HOUSE OF ASSEMBLY

Wednesday 3 June 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:01 and read prayers.

PUBLIC WORKS COMMITTEE: WELLINGTON WEIR

Ms CICCARELLO (Norwood) (11:01): I move:

That the 320th report of the committee, entitled Wellington Weir—Preliminary Works, be noted.

The Murray-Darling Basin is experiencing the worst drought period on record and inflows are at record lows. This has had a major impact on water levels in the river system. As the drought has severely reduced the river flows to South Australia, the water level of the Lower Lakes has dropped to levels not seen since the construction of the barrages in the 1930s.

With the combined effects of evaporation and the absence of flushing flows, water quality in the Lower Lakes has declined to the point where, with minor exceptions, it is now too saline for irrigation or human consumption. The water quality in Lake Albert is generally too saline even for stock use. However, under the worst case scenario used for forecasting flows and levels in the river, the pool level below Lock 1 is expected to continue to fall.

As water levels in the Lower Lakes have fallen and exposed the sediments, the risk of the water bodies becoming acidified has emerged as a serious threat to water quality and the environment. The Murray-Darling Basin Ministerial Council's strategy seeks to avoid acidification of lakes Alexandrina and Albert by maintaining the lakes above alkalinity and water level management triggers.

However, if these triggers are reached and there is insufficient fresh water inflow, minimum quantities of sea water will need to be introduced through the barrages. If sea water is introduced to the lakes, there is a clear potential for salt to migrate upstream towards Murray Bridge, unless a weir is in place below Wellington. In this event, there are limited options for access to each abutment. On the eastern side access is only possible through Wellington Lodge, and on the western side access is only possible through Nalpa Station. The works forming part of this project are:

- construction of approximately three kilometres of access road to the eastern abutment at an estimated cost of $1.5 million;
- construction of approximately 7.5 kilometres of access road and 1.8 kilometres of causeway to the western abutment at an estimated cost of $7 million.

The roads are designed as conventional unsealed roads approximately six metres wide, with sufficient road base to ensure durability for the estimated traffic for construction, maintenance and removal of the weir.

The causeway required as part of the western access is a continuation of the road for approximately 1,800 metres, with a crest approximately six metres wide. Access is required to both abutments to allow for the expedient construction of the temporary weir and its expedient removal, should that be required.

The Murray-Darling Basin Ministerial Council strategy for the Lower Lakes requires any decision to let sea water into the lakes to be made on the basis of monitoring both the alkalinity of the water in the lakes and water levels in both lakes.

The key aim of this project is to be prepared for the possible construction of a temporary weir. It is required to minimise the delivery period should it be necessary to proceed with the construction of a temporary weir below Wellington. With continued minimum inflows, the critical water level trigger point is expected to be reached by February 2010. This date is the worst case for planning purposes. On that basis, if a decision is made to proceed with construction, closure of the temporary weir could be achieved by the end of 2009 (to provide a buffer before the February 2010 date), but only if the preliminary works for the weir are progressed immediately.

The primary concern is protection from possible adverse water quality impacts from the Lower Lakes. The preliminary works are not expected to deliver benefits in their own right, but significant benefits to the South Australian community will eventuate should it be necessary to

construct a temporary weir to ensure water security for South Australians dependent on water from the River Murray downstream of Lock 1.

The committee considered a number of issues of concern in relation to the need and potential impact of this proposal. It was suggested that salt being carried downstream in the River Murray will separate from the water and be deposited at the Wellington weir if that structure is built and will have adverse consequences for water offtakes at that point. However, the water coming down the river has salinity that is uniformly mixed and such water does not separate naturally. SA Water does not anticipate any salinity problems as a result of a weir being built.

The member for Hammond raised concerns about water quality and the possibility of algal blooms if a weir is constructed at Wellington. However, SA Water has advised that there is no evidence of any water quality issues on any other lock or weir on the river, and there is no reason why one at Wellington should be different, in terms of water quality.

The critical point at which the alkalinity in the water is insufficient to neutralise the acid formed will happen when the level in Lake Alexandrina drops to minus 1.5 metres. Some self-regeneration of reed beds will help to manage the acidity, and trials are occurring in relation to reversing the acidification process by biological means. However, a huge area is involved that has never been treated in that way in the past. Further, it is unclear whether the results will be available before a decision has to be made to commence construction of a weir.

It has also been put to the committee that soil acidification can be avoided by the purchase of 60 gigalitres of extra River Murray water and that this amount of tradeable water is available in the system. However, SA Water has advised that 60 gigalitres was the volume of water required to stop the lakes going acidic before the winter of 2009. Up to 200 gigalitres of water is needed to take the lakes through to winter in 2010 in the absence of good winter inflows in 2009, and the purchase of that volume of water is not realistic.

It has also been put to the committee that the introduction of sea water into the Lower Lakes will change their ecology forever and that they will never get back to a proper fresh water system. However, the Murray-Darling Basin Commission has looked at the longer term outlook and, even under climate change, the Lower Lakes will go back to a fresh water system—so much so that a weir is likely to be needed so irregularly that a permanent structure has not been considered.

The committee is aware that much of the area around the location of the proposed Wellington weir is too soft to support a significant structure without sinking. SA Water has undertaken bore hole testing along the proposed causeway route through to Pomanda Island and is satisfied that settlement of the road or the causeway will not be an issue. It is quite a different foundation to the foundation materials on the proposed alignment of the weir, which is much softer.

The committee has been assured by SA Water that no decision has been reached to construct a temporary weir at Wellington. The state's preferred option is not to build a weir. This preference, however, relies upon sufficient inflows to avoid the worst case scenario that underpins this project. The committee is told that three months can be saved by doing this work now. That allows for any decision with respect to the weir to be delayed by three months. These works are an important element in pushing a final decision out as far as possible. Based upon the evidence presented to it, pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

VISITORS

The SPEAKER: I draw to the attention of honourable members the presence in the chamber today of students from Gilles Street Primary School, who are guests of the member for Adelaide.

PUBLIC WORKS COMMITTEE: WELLINGTON WEIR

Mr PENGILLY (Finniss) (11:09): It is with a great deal of interest that I have followed this whole Murray River debacle, much of it perpetrated by a lack of action, particularly in the South Australian sector, by the Rann Labor government. What is happening down there is an absolute outrage and a disgrace. If I am told again that rain will fix it, I will scream. However, the fact of the matter is that nothing has occurred since 2002. We have no more water coming down.

I have suggested to the members of the Labor Party that it would do the world of good to jump in an aeroplane and fly over the lakes and the southern reaches of the Murray and have a

look at the disaster that has been perpetrated upon the residents and the environment of the Lower Lakes. It is an absolute outrage and, quite frankly, it is something about which they should hang their collective heads in shame.

The reality is that the $14 million that is to be spent on this project will just be a drop in the ocean. I note that the member for Hammond put out a press release in the last day or so in which he pointed out the futility of trying to put in these roads and what will happen down there.

I visited the site a couple of years ago, and there was still the odd drop of water left in the lakes. For the life of me, I do not know how anyone is going to construct these roads to Pomander Island and elsewhere just to accommodate the building of a temporary weir, which we oppose. We have opposed that from day one and, as sure as night follows day, the strong indications are that when this weir is built sea water will be let back in and we will have this saline solution. The Premier has said it, but he has also said at other times that they are not going to build a weir, that it is the last thing they want to do. Indeed, the member for Norwood a few minutes ago said that they do not want to build the weir, so it is the blind leading the blind here, I think.

We have these grandiose announcements on desalination—and this is the latest grandiose announcement: doubling the size of it—but we need to remember that it was the Liberal Party that put forward the proposal for a desalination plant in the first instance. Then the Rann government came along and picked up the idea and now 'Rudd the dud' is going to double the size of it.

Interestingly, we are being told that the desalination plant will be powered by sustainable energy. I am not quite sure where this sustainable energy is going to come from. Also, I do not think enough wind power is being generated in South Australia to fill the enormous demands that will be required by this desalination plant at Port Stanvac when it is up and running.

Some of us visited the desalination plant at Kwinana in Western Australia, and one of the issues that was brought to our attention was the enormous power needs. The fact is that they are powering that largely from wind turbines from the nearby wind power turbine farm. Starfish Hill at Cape Jervis is currently powering about 26,000 homes, I think, but there is no way known that it can actually support the powering of the new desalination plant. So, I do not know where the sustainable power will come from.

In relation to this weir, there is an overwhelming feeling from the lakes residents that the weir is in the long-term worst interests—

Mr Bignell interjecting:

Mr PENGILLY: If you want to have a go, member for Mawson, you can get up in a minute. You can stand up when I am finished and go your hardest.

Mr Bignell interjecting:

Mr PENGILLY: Well, it is your outfit that has let the state run out of water. Away you go. You are the ones who have left no water, and I dare say that your constituents down there will know all about it.

Mr Bignell interjecting:

Mr PENGILLY: You are babbling away like a chook in a chook cage. The government will be held to account on this water issue, big time. I was at a function last night with the Italian community, and they were talking to me about the water issue—it was water, water, water.

The Hon. M.J. Atkinson: And what was the occasion?

Mr PENGILLY: Here comes the Attorney, chiming in: parrot, parrot, parrot. The reality is that the Rann Labor government has failed dismally on supplying water in this state.

The Hon. M.J. Atkinson: You can't even remember what last night was.

The SPEAKER: Order!

Mr PENGILLY: Thank you, Mr Speaker, for your protection. The inane interjections from the Attorney-General do not particularly worry me too much.

The Hon. M.J. Atkinson: So, what were you celebrating last night?

Mr PENGILLY: It was Italian National Day.

The Hon. M.J. Atkinson: Were you just having a drink? You can't remember what it was about.

The SPEAKER: Order, the Attorney!

Mr PENGILLY: I actually have to drive my car, Attorney, so you can draw your own conclusions from that. The fact is that water is the number one issue for South Australians at the moment, and the lack of action by the Rann Labor government in securing water for this state is a disgrace and an outrage—and here we are going down the track where we will spend, supposedly, $14 million on building a road and weir that no-one wants. We have no more water and we do not look like getting any more water—the indications for this winter are extremely grim—and we should be looking at long-term planning for water rather than short-term solutions. In my view this weir is a disastrous step for the future of the Lower Lakes region.

I look forward to hearing what my colleague the member for Hammond has to say shortly, but I await with interest the comments now from the Attorney-General and the member for Mawson on where they view the state of water in South Australia.

Mr PEDERICK (Hammond) (11:16): I rise to respond to this motion in regard to the Public Works Committee hearing on access roads for the Wellington weir. Never before have I seen such a path of futility as these roads. We keep on being told that there is a 'no regrets' policy, that they will build these roads with no regrets, causing significant upheaval to the landholders—both the Withers family on Nalpa and the McFarlane family at Wellington Lodge. Both landholders are heavily opposed to the construction of the weir and were involved in major negotiations over an extended period of time, and I believe in the end it was a little bit of push and shove by the government to finally get the approvals through. So, reluctantly in the end, I believe both parties signed approval for access.

Is interesting to note that on the eastern, Wellington Lodge side of the weir, where you can presently get right to the edge of the water in a two-wheel drive vehicle, they are actually using some matting to offset the black mud base and give some stability for the road-making. However, I believe the road would have to be something like a metre deep on that side alone to give the stability needed for the B-double trucks carting the rocks to the proposed weir site at Pomanda Island.

Just last week I ventured out on Nalpa station on the western side of the weir, and I urge all members of parliament to take the opportunity to do so as well. I would be more than happy to organise a meeting with the Withers family and take members out on the site to see the insanity of the whole project. There are 12 to 14 kilometres of road being built on that side, and I think they have got to about a kilometre or two of the island, but massive cracking has opened up where they want to build the roadway. In fact, one crack is about two-thirds of a metre across and a metre deep; a calf had fallen in it and died, because it could not get out. There is significant cracking all the way along, especially in the final stages. This is, essentially, swampy country, but the government now expects B-double trucks to traverse it every three minutes.

I believe there will be some major issues in finalising this road. As I said earlier, it has caused significant distress to the landholders. Currently all the gates are ripped out on Nalpa Station where this roadway goes through. I note that eventually grids will go in (I saw the grids sitting there myself) that will stop stock access but will allow the owners and other people travelling through access to the property, but these have not yet been installed. Essentially the place has been left to run as one big paddock, and that is not very good for running and breeding cattle or keeping bulls out of cow paddocks, etc.

I refer to issues that I raised in my comments to the committee back in November. The committee states in its report:

> It was suggested to the Committee that salt being carried downstream in the River Murray will separate from the water and be deposited at the Wellington Weir if that structure is built and have adverse consequences for water offtakes at that point. However, the water coming down the river has salinity which is uniformly mixed—

this was in the answer from SA Water—

> and such water does not separate naturally and SA Water does not anticipate any salinity problems as a result of a weir being built at Wellington.

That is a very interesting comment because the weir is supposedly to safeguard Adelaide's water. I would like to know whether this government can guarantee that it will get the water, not only to fill the void between Blanchetown and the Pomanda Island weir, if it is built, which is roughly

70 gigalitres of water, but also whether it can guarantee the 350 gigalitres of water which will be absolutely necessary annually to give the adequate dilution flow to keep water at potable standard.

I say this because I know that plans are on the table to desalinate water at the Tailem Bend-Keith pipeline offtake at Tailem Bend if need be—a $75 million proposal. When I asked Ross Carter from SA Water, within earshot of the minister, what they were going to do with the salt, he said, 'That's a good question.' The simple fact is that, in normal flow years, two million tonnes of salt flow down that river.

It was mentioned earlier that there is no problem behind the other locks with salinity. That is because the locks are not at the end of the stream or getting towards the end of the stream. Where the proposed weir is to be built is where all the flushing of the river takes place between the lake side and the river side. I do not think anyone in the government has understood the changes in the amount of water depending on whether you have a northerly blow or a southerly blow. You can take water from the main stream, and it comes into the lakes, or it can come out from the lakes and put all the boats on their base—that is those that are not already on the base now.

I think there are significant issues, especially with salinity and the amount of water that is needed to make sure that there is enough water to get that dilution flow. As I said, the answer that SA Water gave about there being no evidence of water quality issues on any other locks and weirs on the River Murray was that there is no reason why a weir at Wellington should be different. Why then has the spillway, which will be set at 0.1 AHD, gone from being 300 metres wide to 1,200 metres wide in a sinking structure? Then we are told that they are trying to design pipes in the base of this structure, so I think it is all about managing salinity.

We were informed early on, back in 2007, that the structure would sink a metre every 12 or 18 months. Last week, at a meeting in Murray Bridge, Ross Carter from SA Water indicated that it would sink only half a metre in the three year proposed lifespan of the weir. Either the silt has got a lot heavier at Wellington or the rocks have got a lot lighter. I would like to know the answer, because I cannot see how the engineering has changed that much that it will not sink the same amount.

In the little bit of time I have left, I make the point that the government says that, to get past the winter in 2010, up to 200 gigalitres of water is needed. That is essentially correct. It is only 220 gigalitres of water, essentially—that is the number that is being floated about—and that includes the 50 gigalitres that Peter Garrett, the federal minister, insisted should be made available for the trade-off for the Goolwa-Clayton bund. I note that that water will not be delivered until January next year.

The government has been saying in the house, and the minister has been very keen to tell me, that I have no idea, that I am delusional in regard to water purchases because there is no water to purchase. This came straight from a government DWLBC staffer the other night: the government has purchased 218 gigalitres of water this water year. That is not too bad for a government that says there is no water to purchase.

Even though the government went out to the community and said that the weir will not equal sea water, Premier Mike Rann made some comments on 891 radio last Monday. When he was asked, 'If night follows day, does sea water follow the weir?' he said 'It would have to.' So, make up your own minds about that.

It is interesting to note—not that I have agreed with everything that has come from Allan Holmes—that he indicated that bioremediation, which has been a belated attempt by the government to catch up with the community, is a far better option for the Lower Lakes. What has happened in the Lower Lakes is a disaster. It has been exacerbated by the lack of action by this government, which has belatedly taken on our policy of desalination and done very little in the way of aquifer storage and recovery plans for stormwater. I condemn the whole proposal.

Time expired.

Mr VENNING (Schubert) (11:26): Everyone is aware that South Australia is experiencing the worst drought in history, and it is continuing. Even though, in the eastern states, they are having rains and we are having rains in certain parts of South Australia, we are not getting the rains in the catchment area of the river, and that is a crying shame. There is a great need now to ensure that there is adequate water for critical human needs.

Our party position, with regard to the building of a temporary weir at Wellington, is clear and always has been, so I will not go on about that, other than to congratulate the member for

Hammond on being very steadfast in his resolve in relation to this issue. He has not flinched and he has not wavered, and I admire him for that. There has been many a debate held on this matter, and I commend him for his strength and resolve in representing his constituency.

This report, to which I now refer, states that in dry years water inflows into the Mount Lofty Ranges can be very low, with Adelaide sourcing up to 90 per cent of its requirements from the River Murray. The report states:

> It is estimated that 85 per cent of the state's population is dependent on water sourced from the River Murray downstream from Lock 1.

I know that the Barossa Valley's supply is dependent on that source. I think these two statements are extremely important. They reiterate the notion that we have been pushing for on this side of the house for a very long time: that Adelaide must be weaned from the Murray. I think it was then minister Brindal, back in 1998-99, who wrote an article on waterproofing Adelaide. He was the first to discuss how we must wean Adelaide off the Murray. If the desal plant had been fast tracked and more stormwater recycling infrastructure had been put in place, from that point in time we may not have been in the position we are now in where this report is even necessary.

I was interested to read in the report that the committee is aware that much of the area around the location of the proposed Wellington weir is too soft to support a significant structure without it sinking. I would think that even a temporary weir would be a very significant structure and, if it is not, I would like to know why it is not considered a significant structure. The report states:

> The committee has been assured by SA Water that no decision has been reached to construct a temporary weir at Wellington. The state's preferred option is not to build a weir. This preference, however, relies upon sufficient inflows to avoid the worst case scenario which underpins the project.

I understand that there is a need to minimise salinity in any water supply that is to be used as a potable supply. However, I reiterate that had a desalination plant been constructed (and up and running by now), and had the state Rann Labor government taken a leaf out of Salisbury council's book and begun a program of stormwater harvesting, a weir at Wellington may not have needed to be considered as we would not be drawing so much water from the river for our critical human needs.

Yes, we are in a dire situation and, yes, the report is noted. However, after six years, I am very concerned that the Rann Labor government has done nothing about constructing anything to save water. There has been a lot of talk, a lot of rhetoric and reports—including this one—but, if we do not get water in the catchment area now or towards the end of this year, we will be in a dire situation.

You have to consider what Adelaide's options will be in the worst possible scenario. Really, you do not want to think too deeply about it, but I think we have to. There have to be plans put in place and, even if they are not made public, the plans have to be in place to say what we will do to guarantee Adelaide's minimal critical human needs. That is what we need to do.

Nothing much has been said about Adelaide's own groundwaters. It ought to have been brought up and discussed by now so that the public has an expectation that, if it gets any worse, they will lose the right to draw from Adelaide's water table, because we cannot just let people suck water out of the ground willy-nilly and put it on their gardens when, in a few weeks or months down the track, that may be needed to be cleaned up for Adelaide's critical human needs.

I do appreciate the work that the committees do in this house; there ought to be more of it. I note the report, but let us hope that it rains in the meantime and we do not need to build this weir.

Dr McFETRIDGE (Morphett) (11:31): I will just make a short contribution on this, because I have some personal experience with this particular area of the River Murray and the lakes. My wife and I used to own 650 acres of land—everything south of Wellington on the Adelaide side—and we used to run some steers down there. We had this tongue of property that went down the last three kilometres of the river and hooked around through reed beds and wetlands back to part of the lakes.

Both sides of the southern part of the property were protected by quite substantial levee banks. The issue that I have with building a weir down there is that, based on the things I used to see down there with wind and water flows, it is going to be a real engineering challenge for anybody who wants to put in a structure there.

I took my father's fishing boat out on the river that used to go past the property with the depth sounder on and, as you are going down past Wellington towards the lakes, the river is up to 60 or 70 feet deep in the old imperial measurements. It does obviously come up as you get into the lakes, but there is a huge volume of water there that moves back and forward with the wind.

The levee banks that we had on our property were, on the river side, about 2½ metres above the river and about the same on the lake side. It would take probably a couple of hours when the wind changed and came in from the south for that water to go from that level below the levee banks to, in some cases, nearly the top of the levee banks. I have seen water on the windward side of our levee banks on the lakes there almost lapping over the tops of those levee banks, nearly two metres above where it had been a couple of hours before because of the huge area of open water there.

I think Lake Alexandrina is the only inland area in Australia where you can actually sail offshore. It is a huge area of water, and the wind that goes across it pushes that water up so that it will come up very quickly to that height. It is a huge height difference and a huge weight difference. The weight of water that must be there behind that push from the wind is incredible.

I was also told by people who lived next to us and over the river from us that the biggest issue that they had in maintaining their particular waterfront was the fact that anything they put there sank into the silt. The silt was estimated to be about 60 feet deep, and they were putting logs and everything in there. It is historical; they have been doing it for years and years just to maintain their banks and protect their properties.

It is going to be an amazing engineering feat to see this not only constructed but then maintained, because the forces of nature that are down there and the geographical situation there are an absolute challenge for any engineer. I wish them luck with their construction, because they are going to need every bit of it, and I look forward to seeing it not be a waste of taxpayers' money from an ecological, hydrological and engineering point of view.

It is a real concern for me having been there and having watched what happens. I am still waiting to be convinced that the solution that has been put up will solve not only the water problems but also the problems for the lakes.

Mr PISONI (Unley) (11:34): I will say just a few words. I suppose we are in this situation with water in South Australia because of a lack of action by this government. It is interesting that this government's election slogan is, 'Action now for the future', even though it has been in government for more than seven years. There has been no action, but it has obviously been planning for action; it just so happens that it seems to coincide with the election cycle. Water is a classic example of where there has been no action.

I was very interested to hear on the ABC Radio news this morning that the Hon. Stephen Wade from another place, our water spokesman, had done some research on the water infrastructure spend in other states and compared it with that of South Australia. Through his research, he came to the conclusion that in the last five years other states had increased their spending on water infrastructure by 50 per cent, yet South Australia—the driest state in the driest continent—had increased its expenditure by only 10 per cent. That is an appalling record.

Of course, we know the priorities of this government, and we also know how it simply does not understand the importance of water. I remember when the Liberal Party announced the need for a desalination plant in early 2007 how the water minister at the time even ridiculed the proposition, saying that it was not necessary, it was too expensive and it would never happen. It took the government six or seven months finally to agree with the Liberal Party policy of having an additional source of water in South Australia and go ahead with the desalination plant—but not without cost, I must say.

Of course, the first cost is the delay in starting the project, and the second one is the extra $79 million the Public Works Committee revealed had been added to the price of the desalination plant to 'speed it up'. So, the Rann government spent seven months ridiculing the Liberal Party's proposal for a desalination plant, rather than getting on with the job. We are now seeing the South Australian taxpayer paying the price at a time when we simply do not have that sort of money to spare and hear the Treasurer warning us about losing our AAA credit rating. We have heard him warn us about a shortfall of billions of dollars in the forward estimates, and we have heard other examples across Australia of how difficult it is for governments to maintain revenue.

We know that one of the biggest problems with budgets we have in South Australia is controlling spending, and we have seen evidence of that over the last seven years. We have also heard the outcomes of the Budget and Finance Committee, chaired by the Hon. Rob Lucas from the other place, which has time and again exposed examples of budget overruns that have been bailed out by windfall gains in budget revenue; however, that is a story for another day.

Today, we are talking about the Wellington Weir. I was a member of the committee during that hearing, and it was obvious to me that the weir was a desperate measure after years of delay in dealing with South Australia's water supply. I want to return to the point I made earlier—that we know what the priorities of this government are and that they have not been water.

Mr Pengilly interjecting:

Mr PISONI: The member for Finniss says that it has a very high priority for itself, and I agree with that. It is all about what is shiny, loud and sparkling. We would like an endless flow of sparkling water but, unfortunately, we do not get that.

In October 2003 there were two significant factors in the South Australian political calendar: first, the Premier announced that there would be a tram down the middle of King William Street; and, secondly, the water minister at the time announced water restrictions for South Australia. Well, we have a tram—and we will see an extension of the tram—but we do not have a solution to water shortages in South Australia. We are still on very strict water restrictions, which have been jacked up several times since they were first announced nearly six years ago.

A number of small projects on which the government has hung its hat have been rolled out in order for it to say that it has actually achieved something while in office. We have seen the tram extension and renovations to the Entertainment Centre. We have heard an announcement about a new hospital at Glenside. That has since been delayed, but there has been no delay in moving in the film hub at a cost of $45 million.

Members will recall that there is not enough money to build a hospital, even though they are selling hundreds of millions of dollars worth of public open space, with the money going back into Treasury, but we have seen a priority for the film hub moving from its accommodation at Hendon. It is not as though it is a new industry coming to South Australia which is creating more jobs for people but, rather, new and comfortable accommodation for the film industry, moving into buildings at Glenside. There is no delay there, but of course there has been a delay in our most needed hospital facility.

We heard about the Wellington weir several months ago. I know the member for Hammond is extremely passionate about the Lower Lakes and the River Murray. I congratulate him on his broad knowledge, understanding and passion for ensuring the survival of the Lower Lakes district around Wellington, Goolwa and Clayton. I thank him for the work he has been doing on behalf of not only his constituents but also all South Australians.

Ms CICCARELLO (Norwood) (11:43): At the risk of sounding like a broken record, I remind members of the opposition that when they were in government they pooh-poohed the whole idea that there was a problem with the River Murray. As I have said many times in this place, it was the Minister for Health (Hon. John Hill) who proposed that we set up a select committee for the River Murray to look at the crisis that we were experiencing in South Australia. Again, it was with the support of the former member for Hammond, who was very passionate about the river, that we did manage to get the select committee approved and up and running and produce a report.

I would like to debunk some of what has been said in regard to the whole issue of water—that the priorities of this government have not been with water—and I will mention a few of the projects which have been approved. I will not go back to when we formed government, but they include:

- Goolwa Channel Water Level Management Project;
- Southern Urban Reuse Project;
- Wellington Weir Preliminary Work;
- Lower Lakes Irrigation Pipeline—Jervois to Langhorne Creek;
- Glenelg Wastewater Treatment Plant Power Supply;
- Lower Lakes Pipelines;

- Christies Beach Wastewater Treatment Plant;
- Murtho Salt Interception Scheme;
- Glenelg to Adelaide Parklands Recycled Water Project;
- Moorook Country Lands Water Quality Improvement;
- Waikerie Lock 2 Salt Interception Scheme;
- Adelaide Desalination Plant—Pilot Scheme;
- Little Para Dam Safety Upgrade;
- Morgan-Whyalla Pipeline Pumping Stations;
- Extension of the Virginia Reclaimed Water Pipeline;
- Country Water Quality Improvement Program;
- Torrens Aqueduct System;
- Middle River Water Treatment Plant;
- Millbrook Reservoir Safety Upgrade;
- River Murray Locks and Weirs Nos 1 to 6;
- Eyre Peninsula Water Supply Upgrade;
- Modifications to Lock and Weir No. 9;
- Mawson Lakes Reclaimed Water Scheme;
- Whyalla Wastewater Treatment Plant;
- Upper South-East Dryland Salinity and Flood Management;
- Bookpurnong Loxton Salt Interception Scheme;
- Clare Valley Water Supply Scheme;
- Happy Valley Reservoir Rehabilitation;
- Streaky Bay Water Supply Augmentation;
- Victor Harbor Wastewater Treatment Plant (which, I think, the member for Finniss thought was a great thing);
- Port Pirie Wastewater Treatment Plant;
- Heathfield Wastewater Treatment Pant;
- Old Noarlunga Sewerage Scheme;
- Barossa Valley Water Supply; and
- Filtered water to the Central Northern Adelaide Hills.

I could go on and on.

Mr Pengilly interjecting:

Ms CICCARELLO: Thank you very much.

Members interjecting:

The SPEAKER: Order!

Ms CICCARELLO: A recently tabled report entitled 'Water Resource Management in the Murray-Darling Basin' states:

> The present plight of the Murray-Darling Basin is the product of two quite separate catastrophes. The first of these is perhaps a natural event—and, even for those climate change sceptics, it is one of the worst droughts in recorded Australian history. The second catastrophe is unequivocally manmade. It is an unfortunate fact that one product of Australia's constitutional arrangement has been to scatter the jurisdiction and responsibility for the health and survival of the River Murray Basin between four states.

It has been a long, ongoing problem. We have done a lot to redress this issue, and we continue to do so.

Motion carried.

PUBLIC WORKS COMMITTEE: GLENSIDE CAMPUS REDEVELOPMENT

Ms CICCARELLO (Norwood) (11:46): I move:

That the 321st report of the committee, entitled Glenside Campus Redevelopment (Health Facilities—Enablement Works), be noted.

The Glenside Hospital campus plays a significant role in mental health service provision in this state. The government has committed to transform Glenside into a specialist centre for mental health services and broader related health care services into the future. The Glenside site will provide for the best practice care of vulnerable people and will complement community and mental health services and those mental health services provided in mainstream acute hospitals. This will see the campus used in tandem with the new specialist psychiatric facilities being built at major hospital sites.

The Glenside Redevelopment Master Plan was developed in response to the Social Inclusion Board's report on mental health. It provides a blueprint for the development of the site, along with the planning and design framework for guiding the redevelopment of the campus. There are four key elements to the broader Glenside campus redevelopment, all of which are progressing concurrently, namely:

- enablement works to prepare for the construction of health facilities, open space and site-wide infrastructure in precinct 1;
- enablement works to prepare for the construction of the Film and Screen Centre in precinct 2;
- design and construction of precinct 1; and
- design and planning development of precinct 2.

The redevelopment will also see the introduction of targeted substance abuse services onto the Glenside site recognising a co-morbidity that exists between mental health and substance abuse. To facilitate construction of the new health facilities, associated open space and site-wide infrastructure, temporary movement of existing services to other parts of the site is necessary. This enablement task requires:

- planning and management of the relocation of clinical, administrative and support services from existing locations to areas both on and off site;
- continued provision of safe and effective clinical services whilst significant building works are in progress;
- development of interim models of care as leverage to progress reform; and
- efficiency and service review of all functions as consolidation occurs.

The Glenside campus redevelopment needs to take place on an operating psychiatric hospital site and implemented without adversely impacting clinical service delivery and patient care. The enablement works include the refit and refurbishment of five buildings within the operating campus, ranging from relatively minor to significant internal refits. These buildings are either currently partially in use or have been previously utilised for similar purposes on campus.

As part of the site-wide infrastructure requirements, it is necessary to relocate ICT cables located on the Glenside site. These cables serve networks of state significance and their relocation involves long lead times to ensure minimal disruption to the network. As a result, this work is being brought forward to safely relocate the existing fibre optic cabling prior to the commencement of health facility construction activities.

Consultation has been undertaken with both Planning SA and the Heritage Branch of DEH to address any planning and heritage issues. Their advice has confirmed that no heritage buildings are impacted by these works. The primary purpose of this project is to prepare the Glenside site for construction of precinct 1 Health Facilities, open space and site-wide infrastructure. Its secondary objectives are:

- to facilitate comprehensive change management;
- to provide a more efficient and effective mental health facility;
- to trial the model of care that has been developed for the new health facilities; and
- to progress South Australia's mental health reform agenda.

A range of business benefits is anticipated. Clinical services currently scattered across the site will be collocated in service centred 'hubs'. This collocation will provide multiple efficiencies in the provision of care, and mirrors the approach which will be utilised in the new health facilities. There will also be an opportunity to initiate cultural change and to trial the model of care, schedule of accommodation and staffing profiles developed for the new health facilities. The project also provides the opportunity to progress the private sector redevelopments of precincts 3 and 4.

The estimated cost of the phase 1 enablement exercise is $5.05 million. The estimated expenditure for the ICT cable relocation works is $300,000. The phase 1 enablement works and the ICT cable relocation works form part of the overall Glenside campus redevelopment project and are included within the approved $134.33 million capital expenditure allocation. The phase 1 enablement works program is to be completed in late 2009.

Based upon the evidence presented to it pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr PISONI (Unley) (11:52): The interesting thing about this proposal is that the member for Norwood pumps it up as being a mental health initiative whereas, in actual fact, it is a project to slap a bit of paint around, stick up the odd wall, tile around a toilet and basin, and move people out of a facility that has been in use for over 100 years for mental health patients and into temporary accommodation that has a life span of only a couple of years so that the Premier can move the film hub from Hendon into the accommodation that is otherwise being used by people in need who are suffering mental illness.

I know the Premier may think they are a bit of a nuisance being there while he wants access to that building for the film hub but, unfortunately, we are seeing patients being moved not just once for this project but twice, and they are being forced now to use temporary accommodation which is crowded and which was quickly established. I think the cost is about $5.5 million to make these changes to existing buildings that are not needed by the film hub so that patients can use them.

Of course, between the time of the Public Works Committee being made aware that it was hearing this matter and it actually sitting down and hearing it, the Deputy Premier announced that, in order to save money because of the global financial crisis, there would be a two-year delay in the development of the new hospital at Glenside. What is interesting about that whole proposal is that we were told when the Glenside development was announced that the land was being sold to a shopping centre developer and to other developers to fund the new hospital, but there has been no delay in the selling of the land. There has been no delay in the proposal to extend the shopping centre. There has been no delay in moving the film hub into those buildings; in fact, it has been done post haste. We have seen temporary accommodation set up for mental health patients in order for that to happen.

The question the government needs to answer and be held accountable for is that, if this project is self-funding through the sale of what they describe as excess or surplus land—and I assure the minister and the Premier that open space in and around Unley is not excess land at all, as we have very little open space (about 2 per cent public open space—one of the smallest amounts of public open space of any electorate—in fact, the electorate of Unley is geographically the smallest of any state division because of the density of population and because of the lack of open space)—I would be interested to know where in the social inclusion report it says that one of the ways to nurture back people with mental health difficulties is to have a shopping centre and a housing development on their doorstep. I am not a mental health expert, but I am sure that was not in the social inclusion report. We will see a windfall for developers in selling off public open space as an aid to assist people recovering from mental illness. However, that is another story.

We were told that the sell off of the land was justified because it would pay for the new hospital. What I find difficult to understand is why the sell-off is going ahead. The government is getting the money, but we have seen the secondary plans for the building of the new hospital, the

key reason for this activity at Glenside—the expansion of the shopping centre, the sell-off of land to developers and the film hub moving in—leap forward ahead of the new hospital, even though the government is still getting the money from the sale of assets.

It is interesting that this government fought a very tough and successful election campaign in 2006 on an anti-privatisation platform, but we are seeing an enormous amount of privatisation of government assets happening under this government. We have even seen the Treasurer attempting to sell buildings the government does not own. Perhaps we should call him the Cathy Jayne of South Australian politics, but that is a story for another day.

The disturbing thing about this whole process is that we are seeing mental health patients being moved into temporary accommodation, which has been budgeted and designed to last for only a couple of years. They will be forced to use that temporary accommodation for up to five years before we see the start of the new hospital that was promised, it being the whole justification for the public asset sell off and for the Film Corporation moving in, developers grabbing land and the shopping centre expanding.

The whole justification was that there was to be a new revamped hospital, but that is now the last thing on the government's agenda for that site. It is still pending, because we still do not have a start date. We have been told two years, but we know a number of proposals have been delayed by the government. We were told about the Marion swimming pool about seven years ago and have only just seen a contract awarded for that project. Who knows when we will get the hospital? However, we do know that the government will get its money, and it will not go into mental health but into general revenue.

Motion carried.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL

Adjourned debate on second reading.

(Continued from 13 May 2009. Page 2682.)

Mr WILLIAMS (MacKillop) (12:02): Today we are addressing a number of bills concerning the national energy market. The bills variously will establish one market operator to cover energy at least on the eastern seaboard of Australia and including South Australia. I guess this is the next step in the development of the national market which has now been going for over 10 years, with continuous refinement.

We have three bills before us, and I will talk for a little while somewhat generically because they are all aimed at producing the same outcome. The bills are: first, the Statutes Amendment (Australian Energy Market Operator) Bill, which amends several statutes; secondly, the National Gas (South Australia) (National Gas Law—Australian Energy Market Operator) Amendment Bill; and, thirdly, the National Electricity (South Australia)(National Electricity Law—Australian Energy Market Operator) Amendment Bill. The two latter bills will amend both the South Australian statutes regarding the national gas and electricity laws.

By way of background, the first legislative step regarding these matters occurred in 1966—as I said, over 10 years ago—when the National Electricity (South Australia) Bill was introduced by the then minister for infrastructure, John Olsen. This was to establish the operation of a national electricity market, the NEM. There have been a number of reforms as we have moved forward, and, as I have indicated, we have now brought both gas and electricity across the eastern seaboard, including South Australia, under one national set of laws—the gas law and the electricity law.

Notwithstanding that we have established national market operation, the laws have been separate for electricity and gas. This was not envisaged at the beginning, but the phase at the moment (I think) recognises the interrelationship between the supply of gas and electricity, notwithstanding that there are considerable differences, particularly regarding the challenges in providing gas and electricity services across both metropolitan and regional areas on the eastern seaboard and in South Australia. But there is interchangeability, obviously, with regard to energy use between gas and electricity—electricity and gas can be substituted for each other quite readily, as well as substituting for other energy sources. This move probably reflects the ease of

substitution and the synergies that can be achieved by operating one market for both gas and electricity.

Administratively, there are many good reasons to go down this path. In practice, it does pose some challenges for the market operator as we move forward, and I will come to that as I speak specifically about the latter two bills. The first bill, the energy market operator bill, has one element to it which causes me some concern, that is, that it will see the demise of what we know in South Australia as ESIPC, the Electricity Supply Industry Planning Council. That has been an organisation which has served this state very well.

The government will probably, yet again, use the debate on these matters to run the political line that privatising of the old ETSA assets has been bad for South Australia, when they full well know that it has been one of the best things that has happened in this state in many years. Not only has it brought private funding into our energy sector, particularly the electricity sector, but it has also brought with that private funding increased competition and we have seen real costs of electricity in South Australia to both commercial and domestic consumers fall dramatically as a direct result of that privatisation. So, the consumers, both commercial and domestic, are the big winners and, of course, the government of South Australia has won considerably because we were able to retire considerable debt through that process.

One of the things that we did establish at the time, when the Liberal Party was in government back in the mid-1990s, is the Electricity Supply Industry Planning Council to keep an overarching eye on electricity supply matters, to collect information and to provide in-depth industry reporting to government so that government could always have the best and most up-to-date information in order to move forward with planning our electricity needs into the future. I am somewhat concerned that we will be handing that role over to a national body and that the South Australian focus of that particular body will be lost.

There are a couple of questions that I have for the minister, because in the legislation there are a couple of matters that do provoke my curiosity. I do not know that they are of any great import, but in the third reading there are several questions that I want to pose with regard to the changes that are proposed to this piece of legislation. I might well leave my comments there and note that it is the other two bills that are on the *Notice Paper* for discussion this morning which I think are much more important and more relevant and I will reserve my additional comments until we get on to those two bills.

Mr VENNING (Schubert) (12:09): As the shadow minister said, this is the first bill of the three that will be debated today (and I do not think that it will take all that long; it depends on him, but I do not think he is feeling all that verbose at the moment). This relates to the implementation of COAG's 2007 agreement to establish a single industry-funded national energy market operator. This body is to be called the Australian Energy Market Operator and it will deal with both electricity and gas (AEMO, I think, is the acronym; I suppose it is a cousin to NEMMCO).

The decision to establish such a body and reform Australia's electricity industry has evolved over many years. During the time that I have been here (19 years), it has certainly been an issue, and it looks as though we are very much getting it together by doing this. This bill has support across the party and the house.

In 1993, the National Grid Management Council published a paper making several recommendations, which COAG subsequently agreed to in 1994. A couple of years later, along with New South Wales, Victoria, Queensland and the ACT, we agreed to apply the recommendations, which called for the implementation of a national electricity grid.

In 2001, following general dissatisfaction with the original governance arrangements for national electricity management, COAG decided that a national energy policy was needed. A ministerial council was then appointed to conduct a review of the direction that energy market reform should take. Two new statutory commissions were established: the Australian Energy Market Commission and the Australian Energy Regulator. In April 2007, COAG decided to establish a single industry-funded operation. As I have already said, this is one of the three bills that support amendments necessary to instigate that agreement.

This bill largely deals with minor amendments to three acts consistent with having a national market operator. It will amend the Australian Energy Market Commission Act to allow a maximum five-year term of appointment of commission members rather than a set term, and I would welcome that (it is probably a good job for retired MPs later on). It also consists of amendments to both the Electricity Act and the Gas Act to enable the transfer of functions, assets

and liabilities from bodies that had previously existed to deal with the national electricity and gas market to the Australian Energy Market Operator. This bill is one of three that will allow for the transition to the Australian Energy Market Operator, to commence operation on 1 July 2009.

I also note at this point that the construction of several wind farms is continuing in the Mid North of the state. I think it is opportune that I mention this here. In fact, as you drive all the way from Snowtown to Crystal Brook these wind farms are very much in your face. They certainly impress on first observation, but those who live near them have mixed emotions about them. They have certainly changed the horizon above these lovely rolling hills, which are predominantly called the Hummocks (or, more specifically, the North and the Central Hummocks).

There is great concern about these red flashing lights at night, which flash in unison—all on, all off—and they are extremely annoying. I have made inquiries of CASA, which regulates aeroplane movements in relation to them, and I am told that there is no real regulation and that, because they are under 1,000 feet, they do not necessarily have to have the flashing lights on them.

I would like this matter sorted out. They are tolerable, but at night they are quite obtrusive and in your face: there are all these lights going on and off together. For those who live near them, it would drive them nuts. When I stand by the back door of our family home when I am back at Crystal Brook (which is not that often) and look to the south, I can see these massive structures, which are about an inch and a half high in your vision, because they are 10 or so kilometres away, but, by gosh, they certainly catch your eye. They are quite peaceful and lovely as they turn around, and you think they are doing a good job without creating any pollution, but these are massive structures and I am concerned about the future—and, of course, on a hot, windless day they do not work. So, we will always need to have a base power generator.

I note that these wind farms are being purchased. I will not say that I am either for or against them, but I would like to have the red light situation looked at. I believe there is a way that they can be designed so that only the aeroplanes can see these lights rather than the people living around them. There is also the question of whether they need to be flashing at all, because I am told that CASA regulations do not require that if they are lower than 1,000 feet above the ground. They have turned out to be a very good money raiser for farmers who have them on their property. They pay a good sum of money per tower.

I commend the three companies that have put money into the various communities. I give them credit for that, and so it is not all negative. I suppose that we will get used to having those wind farms there but, when you look out and see them there churning out the power, you think, 'Wow, there are just so many of them.' I also commend the shadow minister for the work he does on our behalf in relation to this issue, and I join him in supporting all three bills.

Mrs REDMOND (Heysen) (12:15): I want to make a very quick contribution on this bill, because I do not profess to make any sense of the detail of it. I note that the minister on the other side is laughing and gleeful, but I understand the very rudimentary principles involved.

I want to comment on what happens usually here, and I do not necessarily blame this particular minister. As a member of this parliament, I hope that when I am in government I do not get into the habit, which I think has been a habit of not only this Labor government but even previous Liberal governments, where ministers go off to little meetings interstate and decide our future and come back and say, 'We've all agreed. All the ministers in the various states and territories have agreed that we're going to have a national system.'

As a member of this place, I object. My view is that this parliament should be the determiner of its own destiny and that it is not up to ministers of whatever persuasion to simply head off to national meetings with ministers from various other jurisdictions, and for that little select group of people to decide—no doubt with the advice of bureaucrats who have particular views about things—what is going to be the future in each of our states. I think the parliament should perhaps be approached by a minister returning from such a meeting.

I do not object to the idea that we need to adopt a national approach on any number of issues. For instance, in my field, I think we need to look at suppression orders because of the nature of the internet. Our suppression order system is only valid within this state, and papers circulating within this state do not affect papers circulating somewhere else. So, if a matter which has been suppressed here is reported somewhere else, someone can access it over the internet anyway.

The reality is that there are very good arguments on a number of issues why we should progress towards a national scheme. However, that does not mean that I endorse the concept that a minister carries with him the authority of the parliament when going off to discuss those national schemes. It seems to me that the appropriate procedure would be for a minister to go as well-armed as possible to a meeting to discuss the potential for a national scheme and the ministers from the various states and territories could come to some landing on what they think might be appropriate. They could all then undertake to take it back to their parliament and not simply announce to their parliament, 'This is now going to be what we're doing. We've agreed to having this national scheme, and here's how it's going to look.' They could put the proposal to the parliament, and maybe we need to develop some new mechanisms by which that can be achieved.

I know that at least one member opposite has from time to time expressed views similar to mine. I sometimes wonder whether the expression of those views has been part of the reason that, although he is a fantastic talent on that side, his many attributes in that regard have been overlooked and he is yet to be appointed to the front bench. I know that there are quite a number of people probably on both sides of this chamber who agree with my proposition that it is inappropriate for ministers of either persuasion in office to think that they have, by right of their ministerial appointment, the right to bind this or any other parliament.

I realise that my remarks are of a general nature rather than being specifically directed towards this particular piece of legislation. However, the parliament will no doubt get used to the fact that there are certain issues about which I feel strongly enough to put my views on the record every time this happens, just as I do every time the government appoints a board and says that at least one member of the board has to be a female and one member has to be a male. I do not think we will have true equality until we do not even have to think about gender. With those few words, I conclude my remarks.

Mrs PENFOLD (Flinders) (12:19): I support these bills with reluctance. I do not trust Labor governments in states more populous than ours to act in the best interests of South Australians. Look at how South Australia is being treated by the Eastern States with regard to access to water from the River Murray.

When South Australia owned South Australia's power company, the old ETSA, it was drained of its income by the then Labor government, just as money is being taken from SA Water now and the river is being drained of its water by the Eastern States. The ETSA money was used to prop up state finances, which were spiralling into the massive debt that became known as the State Bank fiasco. State-owned power assets were run down and there was no money left in the coffers to rebuild either them or the state when the Liberal government was put into power in 1993 to clean up that Labor government's financial mess.

The private companies that leased the power enterprises rebuilt our power supplies and infrastructure and embraced change, putting South Australia ahead of New South Wales and Queensland, which still own and manage their own state's power companies. However, a national power system could have implications that we may not yet perceive, possibly coming from government-owned power monopolies and the unions in these more populous Eastern States, and that could severely constrain our state's progress.

I am concerned that the need for a regulated line to provide power to the west of South Australia—particularly to the mining industry and for desalination—using renewable power from wind, solar, waves, graphite blocks and hot rocks, will be pushed aside by this Eastern States power bloc. Instead, it will favour a line to connect South Australian mines, particularly BHP's Olympic Dam, to their dirty coal-fired power. The Eastern States will get the jobs and the royalties in those states, and our green energy suppliers and our mines will not get the power or the lines that they need to provide the jobs and royalties for South Australia. They have greater political clout with the Canberra Labor government, as well as strong unions and state Labor governments—particularly those that own their power assets.

It is now acknowledged that 80 per cent of the state's mining exploration is within the Gawler Craton, which underlines Eyre Peninsula. Western Australia and Queensland each have royalties of more than $3 billion, yet I believe ours stands at about a measly $165 million. However, our Labor state government will not have the anticipated mining boom until power, water and transport infrastructure is in place. Fortunately, countries wanting our minerals have the money and are willing to help put in place that necessary infrastructure.

Only yesterday the Premier announced his commitment to renewable energy generation. He recognises that renewable energy is a global growth industry—and South Australia is in the enviable position of being able to supply this—but for any of it to actually happen we need the infrastructure in place to get our green energy into the national grid. The whole region of Eyre Peninsula is constrained by ElectraNet's more than 40 year old, 132 kilovolt line from Whyalla to Port Lincoln, with a spur to Wudinna.

I ask the government to apply whatever pressure it can to ensure that a regulated line is constructed along the west coast of Eyre Peninsula from Wudinna to Elliston and down to Port Lincoln. Triangulating the power lines would give security of power for the southern Eyre Peninsula and enable inputs and offtakes of power from the 1,000 megawatts-plus of wind energy being planned at Elliston and the desalination plants and mining activities en route.

The southern triangulation of powerlines is in addition to the ring main that is needed in the north and west to provide stability of power supply and the intakes and offtakes there. I note with interest that in July 2008 a 168 kilometre electrical power line to Oz Minerals' Prominent Hill copper and gold mine from Olympic Dam was provided by private enterprise. This would form one link in the ring main.

The Lake Phillipson coal mine, about 100 kilometres away from Prominent Hill, will provide another link in the line through to the Challenger gold mine, the Warrior uranium mine and possibly west to Iluka's jacinth ambrosia mineral sands, Fowlers Bay and Lake McDonald gypsum mines to Ceduna. I hope this line will grow over the next few years as mines come into production in the north and west to link in via Ceduna to Wudinna. This must be taken into account.

Reliability and security of supply can be provided for South Australia by renewable energy. The newly announced RenewablesSA Board must take action to ensure that infrastructure is built to deliver the green energy that will not only meet green energy targets but also ensure that South Australia is in the best possible position to benefit. We have companies ready to go. In addition to the existing 70 megawatt Mount Miller and 65 megawatt Cathedral Rocks wind farms, approximately 1,000 megawatts of capacity is being planned by Ausker Energies and Origin Energy near Elliston, which is rated as one of the top sites for wind energy in the world.

Also, Wave Ride Energy has been given approval for its pilot wave energy plant at Elliston, 800 metres offshore and 30 metres deep using the power of the Southern Ocean. These projects are expected to begin early in the 2010-15 regulatory period and need to be taken into consideration as the area is currently serviced by only 11 kilovolt lines.

BHP and other developments in the region will be able to take advantage of the green energy. Customer service and communities must be looked after, particularly at Elliston, Lock, Tumby Bay, Cummins, Port Neill, Cowell, Kimba, Cleve, Wudinna, Streaky Bay, Fowlers Bay, Ceduna and Port Lincoln which will all have significant increases in population stimulated by mining in their vicinity.

Power must be provided to support growth in the west of South Australia for the benefit of all South Australians. In addition to Iluka's mineral sands mine, the potential processing plant west of Ceduna Minotaur's kaolin mine and processing south of Streaky Bay and the many other uranium, lead, zinc, copper, gold and iron ore companies, there is now a proposed export port near Port Neill. Future value adding requires an iron ore pellet plant to be established that is expected to become a reality within the regulatory period.

The port and pellet plant will need significant power for loading, unloading and processing of iron ore, as well as having a significant multiplier effect with all the support services needed such as cement works and additional housing for staff. An estimated requirement of 350 megawatts has been provided to me by the proponents. I also mention that the small township of Fowlers Bay should be considered for significant expansion as a possible service town. I ask that it be factored into any expected expansion of power requirements in South Australia.

In the last month, the government and SA Water have at last recognised the need for desalination plants on Eyre Peninsula as the southern basins are seriously overdrawn. The processing of kaolin alone requires about 3 gigalitres of water, and port and pellet plants have not yet been factored in by the government. SA Water, despite being the government owned monopoly provider of water and in control of the pipeline network, does not consider providing water for mining is its problem and is leaving it to the companies themselves to source.

Therefore, I reiterate the need for desalination plants at least to double the nine gigalitres currently obtained in the most part from overdrawn underground basins south of Port Lincoln. However, the required desalination plants will be significant users of power and this will need to be factored into the requirements of the next regulatory period as work is expected to start this financial year.

The expansion of the state's power must not be curtailed by interests interstate. I would like the Premier's and his minister's reassurance that the interests of South Australia will be enhanced by the changes proposed by these acts that have suddenly been imposed on us and not depleted by issues that may not as yet have become apparent because of lack of adequate consideration.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (12:28): For the benefit particularly of the last speaker, as kindly as I can, I want to say that she profoundly misunderstands the nature of regulation of transmission in Australia. In regard to this, it has supposedly been imposed by some Labor governments and its unions, but I can tell you I was there and I have seen the origin of this—it came from John Howard and Ian McFarlane's pursuing of this national reform, and it is continued by the new Labor federal government.

I make it clear that the expectation from both those federal governments is that we would agree to this, and they are persuasive. It really would pay for people to inform themselves, even in a rudimentary sense, of the background to the regulation of transmission and distribution in Australia. The notion that South Australia has been punished by a Labor government and its union mates in the Eastern States by not getting the electricity that the member for Flinders wants is just nonsense.

The national transmission decisions prior to this one were made by the transmission company making an application for reset to the ACCC. The ACCC's decisions were made according to a set of laws that have been adopted by every parliament in Australia. The recent move to the AER means the reset will be adopted by the AER but I, for one, would posit that the AER really looks like the ACCC with a different name, if you ask me. Be that as it may, the notion that somehow there is a political decision being made by Labor and its union mates on transmission is just a palpable, patent nonsense. It is not even a debatable point; it is just a complete and utter nonsense.

Mrs Penfold interjecting:

The Hon. P.F. CONLON: The other point is that there is something wrong with making the private sector pay for its own transmission lines. It is not only not wrong—I mean, you just love conservatives: they love the marketplace but, boy, they love a little bit of socialism when it suits them. I might also point out that I think we might get into trouble with World Trade Organisation agreements were we to provide public infrastructure to a major exporter. I think there are issues about that.

I do not think we should waste a great deal of the parliament's time on what has just been said. What we have in front of us—and I will turn to that, because it might be a more productive use of the parliament's time—is the result of a long process commenced under the previous federal government which believed that there should be a move to a single national regulator and then, subsequently, a move to the convergence of the gas and energy markets.

The resultant body that parliament has in front of it is different from the previous body that dealt only with electricity, in the sense that it has industry representatives on it now. It is still a company limited by guarantee, and it will still have to apply the laws made by various parliaments around Australia. I, for one, was engaged in the debate. These things happen, as has been pointed out, through an endless series of meetings between ministers in every state. They have changed in political allegiance over the period of this reform, but I can say that I took a long time to be persuaded that industry should be represented on the marketing company.

At the end of the day, these things are done by agreement. I accept the criticisms of the member for Heysen that these things do appear to be imposed. What I can say is that there is not any other way to do national reform in our federal system except like this. I guess the safeguard is that it is much easier to prevent something happening than it is to get it to happen, and that is why it takes so long.

I guarantee that I have been involved in this reform process since 2002. People can have their debate about the nature of the federal system and what should occur, but I have no doubt that

there are occasions, such as in my other portfolio areas like transport, where we simply do need to get better national uniformity and better national regulation. This has been, as I said, a pursuit of a previous Liberal federal government and the current Labor government.

As to the only other point that I think was made, I can tell the member for Schubert that I do not believe the requirement for lights on the top of wind towers has anything to do with any aspect of our regulatory approach to electricity. I suspect that they are imposed either by civil aviation or by the planning system. I will certainly pass on those views to the planning minister in case it has anything to do with our planning regulations, but I suspect that it is a regulation imposed by CASA. It seems odd to me, but we can pass on those views.

To the member for Flinders, who wants some assurance that this is better, all I can say is that these are the studied views of a number of ministers from a number of political backgrounds. It does represent a compromise and is considered by a large number of people—not just me—to be the best way forward for managing Australia's electricity and gas markets.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

Mr WILLIAMS: This is probably of no great import, but it certainly provoked my curiosity when I read that clause 8 seeks to amend section 36 so that we can now appoint an acting chairperson or panel member for a period of eight months rather than six months. It just seems strange to me that we would want to make that change. Obviously, something has occurred that has made this necessary, and I think the committee would be interested to know what that was.

The Hon. P.F. CONLON: Frankly, I cannot recall why that was. We will have to undertake to bring you back an answer as soon as we can. I am sure that it is some minor administrative reason about timing, but I cannot recall and neither can my learned advisers. I undertake to bring an answer back, but I am sure it is for some completely innocent administrative purpose and not for any other reason.

Mr Williams interjecting:

The Hon. P.F. CONLON: I'm sure I will have. Sorry about that.

Clause passed.

Clauses 9 to 15 passed.

Clause 16.

Mr WILLIAMS: This clause actually dissolves the Electricity Supply Industry Planning Council, which I mentioned briefly in my second reading contribution. It is the one area about which I and my colleagues on this side of the house do have some concerns. The ESIPC was established, I think, when we first moved way back in 1996, as I said in my second reading contribution, specifically to bring the best possible information to the industry and to the government in particular on the future needs regarding electricity supply in South Australia. The concern that the opposition has is that this function will now be handed to a federal body.

We need some reassurance from the minister about how South Australia's interests will be protected and what sort of support a federal body will give to South Australia. The member for Flinders made the point, which I think was well made, about how South Australia's interests are not necessarily served in national bodies, and she cited the River Murray as an example. When we come up against the other states, it can be quite difficult for South Australia's voice to be heard. We have unique circumstances in South Australia.

Later, in debate on one of the other bills, I will talk about a transmission line problem we have in South Australia. However, we have some unique challenges here, and I am concerned about protecting our local interests. In answering this question, the minister might take the opportunity to answer a further question. I note that there will be a local office of the Australian Energy Market Operator in South Australia, I presume specifically to address these sorts of matters. What sort of protection will be have as we go forward that that office will remain in South Australia, and how will it protect our interests?

The Hon. P.F. CONLON: I think that the shadow spokesperson indicated that he may well know what the approach will be. The functions of the ESIPC in terms of its advisory role will be transferred to the new market company. There will be an office here, and all the personnel will transfer over. One of the things I give credit to the previous Liberal government for is the ESIPC, which I think was established by John Olsen. It is a good organisation, and it is the best model in Australia, and we urged upon the national body that the advisory functions of the market company in that respect would be best if they were modelled on the ESIPC.

I think that a lot of what we have sought has been carried into the legislation. So, you will have the functions created and the same advice to be given, with the exception that the local jurisdictional system security will go to the Office of the Technical Regulator here. That will remain in the South Australian jurisdiction, and the advisory body, which will remain the same people, will go over there. What protection do we have about keeping it here? Obviously, where offices are and who is in them are not in the laws, but I make two points. I think that it is extremely unlikely that you could provide this level of advice without a level of local knowledge, and that is why we believe it would continue.

No-one can give guarantees in the future, and the best example of that is when John Olsen decided to get us into the national energy market in the first place. One of the things he bargained for was that the National Electricity Code Administrator would be based in Adelaide. Of course, in the process of reform, when NECA's functions were subsumed somewhere else, it disappeared out of South Australia and we got a small branch of something else.

So, there are no protections, but my view is that the important thing is that South Australia's interests are protected and that the advice is given correctly. The current body has a number of industry representatives on its council and, by their very nature, those industry representatives will still need to be drawn from South Australia. I imagine that it would probably be cheaper to have that body meet in South Australia than fly them all interstate. So, it would make good sense. I think the fact that we are preserving a lot of what we do in this has been a sensible outcome under the act. Can I give an ironclad guarantee that it will not change. If you asked John Olsen back then whether NECA would stay in South Australia forever he would have been sensible enough to say that he could not give that guarantee—and neither can I now.

Clause passed.

Clauses 17 to 22 passed.

Clause 23.

Mr WILLIAMS: I will make a speech I make often about giving power to make regulations. The minister may remind the committee, but one of the problems with national legislation—and it goes to comments that were made by the member for Heysen and referred to by the minister in his summing up on the second reading debate—is that it takes away the powers of our parliament to influence it.

The minister may remind the house about the circumstances in relation to regulations. Under most statutes of this state, regulations are a disallowable instrument. The minister of the day, who is responsible for a statute, is obliged to lay a regulation before both houses, and the parliament has reserved the right to disallow such regulations by a simple majority vote in either house. I think I am correct in saying that under this legislation it is not a disallowable instrument. In fact—

The Hon. P.F. Conlon: They are.

Mr WILLIAMS: Well, minister, you can put that on the record and explain how it works. I am pleased to hear that, because not long ago we passed legislation to hand over powers to the commonwealth in relation to water, if my memory serves me correctly, under which legislation regulation-making powers took away the right of this parliament to disallow such regulations. I would be pleased to hear from the minister about what powers are retained by the parliament of South Australia in relation to regulations.

The Hon. P.F. CONLON: This is an amendment to an existing South Australian act—the Electricity Act 1996. Under the Electricity Act 1996 all regulations are made as an ordinary South Australian piece of subordinate legislation. It amends only the South Australian act. There is a different one later, on which you may want to make that point.

Clause passed.

Remaining clauses (24 to 32), schedule and title passed.

Bill read a third time and passed.

NATIONAL GAS (SOUTH AUSTRALIA) (NATIONAL GAS LAW—AUSTRALIAN ENERGY MARKET OPERATOR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 May 2009. Page 2694.)

Mr WILLIAMS (MacKillop) (12:50): I am not sure of the order in which these bills were introduced, but this bill very closely reflects the next bill, the National Electricity (South Australia) (National Electricity Law—Australian Energy Market Operator) Amendment Bill. I will make most of my comments with regard to that bill simply because that is the order in which I went through the bills. Most of my comments are more relevant to that bill but they apply also to this bill. For those who take a keen interest in this (and I am sure there are many out there), as they are reading the *Hansard* I will direct them to follow the debate onto that other bill to get a better understanding of the opposition's thoughts on this matter.

Having said that, can I say that this bill does consolidate the operation of a number of organisations within the various jurisdictions—again, down the eastern seaboard, South Australia and the ACT—to establish an Australian Energy Market Operator. Of course, that market manager will also operate the electricity market. It is interesting because, I am told, there are some differences between how the new law will operate with regard to gas as opposed to electricity. They principally occur because the different jurisdictions have come up with different ways of ensuring that their market operates efficiently and effectively with different systems to ensure the continuation of supply, particularly under emergency circumstances.

I understand that there will be some differences in the way in which the operations continue to occur, say, between the states of New South Wales, Victoria and South Australia, because different regimes have been put in place in those states and that the rules and the operation of the market will recognise the different contexts of each of those markets and supply systems. We know of the experience some years ago now where the Longford explosion in Victoria caused the Victorian government and the industry to put in place certain things to try to minimise those sorts of impacts when there was a major problem within the gas supply system.

We have seen a number of examples, not just nationally but internationally, of what can occur to a society when you do get a major breakdown in energy supply. We saw a similar problem with gas in Western Australia a few years ago (it might not be quite that long ago); we saw a significant problem in Auckland, New Zealand, with electricity a couple of years ago; and we saw a very significant problem on the north-east coast of North America a few years ago when the electricity system totally collapsed. This is one of the things that needs to be managed in terms of integrating systems together, that is, the national electricity market and the national electricity grid, and likewise for the gas system.

We do need to manage them as we go forward, and we need to be cognisant of the risk we provide over a much greater area. Obviously, bringing together operations between the various states, in this instance, Queensland, New South Wales, Victoria, South Australia and the ACT, has advantages, and they were pointed out in the minister's second reading explanation. However, there are also added risks whereby we can have a contagion where the system falling over in one of those jurisdictions can impact severely on the other jurisdictions. It is important that we get these processes right.

This particular bill does add a new dimension to the way that the gas laws will work, and it gives a new function to the Australian Energy Market Operator in so much as that it will now have the function of preparing a gas statement of opportunities. This is not unlike what has already occurred in the electricity market under NEMMCO with the statement of opportunities for the national electricity market. Again, this is part of the planning process going forward. I will talk more about the new planning functions, as I intimated earlier, when we get onto the other bill.

I can inform the house that the opposition is happy to move directly to the third reading and supports the bill.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (12:55): The only thing I would say in response is that the gas market is different from the electricity market in a number of ways. The nature of gas, being molecules, is

that you can store it, as opposed to electrical activity having to be created as it is consumed, so to speak, so it is different. There are a number of other differences as well. This is gas going to a national market for the first time, whereas with the other law we are dealing with a much more mature national market; and there are differences that arise from the nature of different jurisdictions' supply of gas.

Victoria, you will see, is the only one with a wholesale market function in VENCorp. I am reliably informed by technical experts that is because the short pipes do not allow for much line pack in Victoria whereas, here, with long pipes and lots of line pack, we do not have the same need to deal with fluctuations in the wholesale market. I do not think we ever have, except in the case of some intervention to protect pricing when Moomba went down. I think we acted to make sure that no-one scalped, basically, when they were swapping gas between systems. I do not think there has been any other occasion. I do not know, because they may do it privately with their own arrangements. Anyway, it is a different system, for those reasons.

If members look back, they would remember when the national electricity market started up with a whole load of derogations from the national rules, which gradually were eliminated over a period of time. So I would expect the gas market itself will mature and there may be something closer to a national set of rules for aspects of it.

Bill read a second time and taken through its remaining stages.

[Sitting suspended from 12:58 to 14:00]

BUS SERVICES

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 46 residents of South Australia requesting the house to urge the government to implement a comprehensive bus service to serve the Aberfoyle Park, Happy Valley, O'Halloran Hill area, reinstate bus service No. 618 to the Marion Shopping Centre and enter into consultation with residents regarding bus services.

SWINE FLU

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today I inform the house that Victoria has moved to the 'sustain' stage of its pandemic influenza plan. This next stage acknowledges that swine flu has arrived in Australia and provides a framework for sustaining our communities while we await a vaccination. Therefore, we are providing new advice today to people who plan to travel to areas where there is a high prevalence of the virus, including to Victoria. From today, in addition to our recommendation that children returning from the USA, Canada, Mexico, Japan and Panama remain at home for seven days, we are also recommending that schoolchildren and children in child care and kindergarten who return from Melbourne should stay at home in isolation for seven days.

In doing this, we are following the recommendations of the commonwealth's chief medical officer that this voluntary exclusion should apply from today for children returning from areas where there is a high prevalence of the virus. Currently in Australia, this only applies to Melbourne, in addition to the overseas locations, of course. We are also recommending that any school sporting and other trips to Melbourne should be postponed for the time being. All these measures are aimed at stopping the spread of human swine flu to our vulnerable populations during the time when we do not have a vaccine.

This advice does not apply to any other Australia destinations at this stage, but that may well change in coming days and weeks. We appreciate the effort that this will mean for some South Australian families, but as we try to limit the spread of swine flu in our state, we are asking people to make decisions in the interests of the whole community.

In addition, I can confirm for the house an eighth case of human swine influenza has been confirmed in South Australia. The person involved is not a resident of this state. However, they will remain in home isolation in South Australia for seven days. In addition, one person is undergoing testing for swine flu in South Australia.

Members of the public who would like more information should contact the swine flu hotline on 180 2007 or visit www.flu.sa.gov.au.

PAPERS

The following paper was laid on the table:

By the Minister for Mental Health and Substance Abuse (Hon. J.D. Lomax-Smith)—

Death in Custody—Report of actions taken following the Coronial Inquiry—
Mr Charles Sweetland—dated 11 May 2009
Mr Damien Dittmar—dated 12 May 2009

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:05): I bring up the 22nd report of the committee.

Report received.

VISITORS

The SPEAKER: I acknowledge members of Paradise Community Church in the chamber today, who are guests of the Hon. Dennis Hood.

QUESTION TIME

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:06): My question is to the Minister for Mental Health and Substance Abuse. Will the minister give an undertaking not to sell any part of the Glenside Hospital site to the Chapley Retail Group, or any subsidiary thereof, until the completion of court proceedings is delivered regarding the government's appeal to the District Court by the Department of Health?

The Hon. M.J. Atkinson: Parish pump.

Ms CHAPMAN: A statewide facility, and you are talking about parish pump. Grow up!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney!

Ms CHAPMAN: The government has previously announced that the Chapley group, which already owns the shopping centre next door to the Glenside campus of the Royal Adelaide Hospital, will be given first preference to purchase land as part of the redevelopment of the hospital campus. The Ombudsman has directed the Department of Health to release documents concerning the preferential sale sought through freedom of information and, in particular, correspondence between the government and the Chapley group. Now the Department of Health is appealing that decision in the District Court and, of course, we await the outcome. So, I am seeking that undertaking pending the District Court proceedings.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:07): I think anything that is involved in court proceedings is something that we should not comment on in this place. However, what I can tell the member is that we will proceed in the right manner according to protocols and continue to obey all legislation and requirements in the law.

Members interjecting:

The SPEAKER: Order!

ABORIGINAL ENTERPRISE

Ms BEDFORD (Florey) (14:07): My question is to the Minister for Aboriginal Affairs and Reconciliation. How is the government supporting Aboriginal enterprise in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:08): I thank the honourable member for her question and acknowledge her great commitment to reconciliation between Aboriginal and non-Aboriginal Australia. She is at every event, and I acknowledge her strong support there. I also want to draw attention to

something that has been occurring in this great state over the period since 2002, and that is the incredible resurgence in our economic position. In recent years, we have seen unprecedented growth in mineral exploration, substantial new investment in tourism, groundbreaking innovations in aquaculture, farming and viticulture and growth in our high technology industries and further education, yet there is still an untapped resource in this state.

I think it is fair to say that governments of all persuasions have, with a few exceptions, struggled to meaningfully support Aboriginal enterprises. We have a largely untapped resource in Aboriginal communities, in terms of knowledge of Aboriginal land—in fact, the Aboriginal land is quite a large estate—and, indeed, their expertise in managing it.

At the urging of Aboriginal communities around the state, and with the support of Aboriginal Congress, a group called the Aboriginal Foundation of South Australia was established to support the development of Aboriginal enterprises. The foundation has been set up to generate business and economic opportunities for Aboriginal people, particularly through indigenous land use agreement process but also for more effectively leveraging off the Aboriginal owned assets that exist in South Australia and seeking joint investment opportunities.

To support these goals, the foundation's board comprises prominent business and Aboriginal community leaders such as its chairperson, Rick Allert AM, current Chair of AXA Asia Pacific Holdings and Tourism Australia; Kerry Colbung, previous chair of the South Australian Aboriginal Advisory Council and member of the Social Inclusion Board; and the Hon. Greg Crafter, former minister for Aboriginal affairs, who brings together a range of skills and experience in investment, commerce, law, public relations, human resources, project management, marketing and Aboriginal community development.

I commend to the house the foundation's work and draw attention to a statement made by the South Australian Commissioner for Community Engagement that the foundation really is one of the most exciting developments that has occurred in recent South Australian Aboriginal history. That is why I am delighted today, on this last day of Reconciliation Week, to announce that the state government will be providing $500,000 in funding to the foundation to assist Aboriginal communities to share in the economic development opportunities that exist across this state.

This funding is a clear and positive signal of support from the state government for the goals of the foundation, and I encourage organisations, communities and native title claimants who have been presented with a business idea, or indeed resources through those processes, to seek joint venture partners to encourage contact with the Aboriginal foundation. This is another fantastic example of the business community partnering with state government, in this case to support the Aboriginal community.

BUDGET SAVINGS TARGETS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:11): My question is to the Treasurer. Which of the savings targets set in the 2008-09 budget, announced in June 2008, and the Mid-Year Budget Review, announced in January 2009, have been met, which have not been met, and why?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:11): I will make this a quick question because I have to get on the telephone to my son. Minister, do you cover the cost of air tickets that are cancelled? I have just made a hit with my son telling him that we cannot go to Melbourne.

Rob Lucas was on the radio this morning about this. I heard that and I was quite interested in what he had to say. I had a look at what Rob Lucas's savings—

Ms Chapman: Did you have a look at the answer?

The Hon. K.O. FOLEY: Rob Lucas holds himself up as some great treasurer. I had a bit of a look at what savings—because he was the one who sold ETSA and still ran up state debt. Even after selling ETSA he could not balance a budget. His paltry savings exercise when he was treasurer was pitiful. As I looked through his savings, each and every one of them appear to be—I stand to be corrected if I am wrong—savings measures that the government agencies can keep to cover cost overruns, he was such a sloppy treasurer.

I am pleased to see that the Leader of the Opposition is now getting his questions from Rob Lucas, even though I am told by sources that they do not even talk. In the 2006-07 budget we brought in Mr Greg Smith to undertake a review of savings options for government.

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader will come to order!

The Hon. K.O. FOLEY: Yes, just like Dean Brown did when he brought in the Audit Commission in 1993. Was he hopeless, was he?

Ms Chapman interjecting:

The SPEAKER: Order, the deputy leader!

The Hon. K.O. FOLEY: So, Dean was hopeless in 1993, was he?

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: John Howard in 1996.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

Mr Williams interjecting:

The SPEAKER: The member for MacKillop I have called to order!

The Hon. K.O. FOLEY: Greg Smith advised government of $695.1 million of savings that he recommended over the forward estimate period for the next four years. Of that $695 million, I can report to the house, on advice, that seven measures have not been undertaken, that is, they have been reversed. That is a reduction of some $51.7 million. But the balance of savings have been delivered.

So, of the savings of $695.1 million over four years, as recommended by Mr Greg Smith in the exercise four years ago, in total we have delivered 92.6 per cent of those savings. That is not a bad effort, I would have thought, not a bad effort at all. Since that time, I have required further savings because I am all about, and we are all about, efficiency and savings and good fiscal outcomes. In an earlier budget—I do not have the budget year with me—we applied a 0.25 per cent efficiency dividend. I am not sure whether that was 2008-09 or 2007-08. I think it was 2008-09. That efficiency dividend was simply the amount of money that was reduced from government outlays.

Mr Griffiths interjecting:

The Hon. K.O. FOLEY: Yes, that is what I just said. I was not sure whether it was—

Mr Griffiths: You said 2008-09.

The Hon. K.O. FOLEY: If you had listened, I actually said that I was not sure whether it was in the 2008-09 budget or the 2007-08 budget.

Ms Chapman: You're not sure what year.

The SPEAKER: Order, the deputy leader!

The Hon. K.O. FOLEY: Well, I have a lot of savings initiatives in my budget. The 1,600 FTE savings in the Mid-Year Budget Review are being implemented across agencies. They have been apportioned across each of the government agencies for which those savings will be required. The further dollar savings outlined in the 2008-09 budget of $25 million in 2009-10 will be delivered and, in the budget tomorrow, those savings will be identified. The further $75 million in 2010-11 and $150 million in 2011-12 will be notified in the budget prior to each of those savings coming into play. So, some of those savings will not yet have been identified and some will have been. Agency heads know that they have to deliver, and they are required to provide that information to Treasury for inclusion, as they have done for this budget (2009-10)—the $25 million, the $75 million for 2010-11 and the $150 million in 2011-12.

This government has been very upfront about its savings. It has demonstrated with the Smith review that 92-plus per cent of all savings identified have been delivered, bearing in mind

that, in our first four years of government, we delivered savings upwards of $1.5 billion—delivered. So, when it comes to savings, this government has been transparent in identifying and highlighting those savings and has been absolute in delivering them.

Mr Lucas, for relevance, has his budget committee upstairs. If he is not attacking people personally, as is his wont, he ferrets away in the minutiae of government. He is clearly not highly regarded by members opposite or the leader, because he is not on the front bench. He is neither shadow treasurer nor shadow finance minister nor, indeed, even leader of the upper house. I think though, in fairness to Rob Lucas, he would pick a dodgy document for a dodgy document. There are some other comments that I am just trying to put my hands on that I think are important—

Ms Chapman: If he's not going to answer the question, sit him down.

The Hon. K.O. FOLEY: I have just answered it.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Why what?

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: She really is a special unit. I cannot put my hands on them, but I am looking for Rob Lucas's comments today about the budget. I do not appear to have them with me, but I will ensure that I have them should I get another question. He was less than enthusiastic when endorsing the current shadow treasurer.

APPRENTICESHIP AND TRAINEESHIP PROGRAM

Mr PICCOLO (Light) (14:18): My question is to the Minister for Employment, Training and Further Education. What do the latest trainee and apprentice figures released today mean for South Australia?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (14:19): I am pleased to advise the house today of positive news for South Australia regarding our apprentices and trainees. Figures released today by the National Centre for Vocational Education Research for the 2008 December quarter show that South Australia has recorded a significant increase in the number of people embarking on traineeships and apprenticeships, despite the global crisis. In South Australia, 33,000 apprentices and trainees were in training, an increase of 7.5 per cent for the year ending 31 December. This was an increase of substantial dimensions in comparison with the national increase which was only 2.6 per cent for the same period. So, South Australia outperformed the national average by a magnitude of around three.

The figures for young apprentices and trainees were also extremely strong. As of 31 December, an estimated 18,800 apprentices and trainees aged 24 years and younger were in training in South Australia—an increase of 3.1 per cent compared with 31 December 2007. This is compared with a 0.2 per cent decrease nationally. Again, on this particular criterion, we are well in front of performance on a national basis.

Trade and technical apprenticeships have shown particularly strong growth rates, and I think this indicates the forward thinking nature of our young people looking for opportunities, particularly in the defence and mining sectors. As at 31 December 2008, there were an estimated 13,300 technical and trade work apprentices in South Australia, which was an increase of 8.2 per cent on the figure of 12,300 recorded 12 months earlier. Again, this compares to an increase of only 1.4 per cent nationally.

On all the indicators, South Australia is not only showing strong positive growth with our apprentices and trainees but is solidly outperforming the rest of the nation. The figures released today by NCVER prove an excellent result in South Australia, and I expect the current incentives being offered by the South Australian government such as the Drought Retention Apprenticeships Program, which applies very much across regional South Australia and about which I have advised the house previously, will continue to assist those businesses, apprentices and trainees in securing a positive, work-ready future for themselves and South Australia.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:22): My question is to the Treasurer. In order to guarantee a competitive tender process for the rail yards hospital, does the government intend to compensate any of the consortia for costs of bids and, if so, what will be the costs?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:22): No, we have no intention of compensating; I do not know why we would. Infrastructure Partnerships Australia, which I think is one of the umbrella groups for companies participating in PPPs, came to me with this notion: would I be prepared to put a blanket guarantee out there that an incoming government would guarantee costs should a new government come in (a Liberal government) and scrap the project? I said, 'No; that is a risk you who will have to assume and assess whether or not you think there will be a change of government. If you think there will be a change of government, you have to bid accordingly.'

I have no intention of compensating bidders or putting upfront taxpayers' money to compensate in the outset. There are times when arguments might need to be made for compensation as a result of government actions, but there should be no issue with compensation in advance of any potential government action. This government is committed to that hospital. We have no problem with the number of people who will tender. The bid costs are not the issue. As I outlined to the house yesterday, how these projects are funded is an issue because the cost of capital for the private sector right now is at a premium, as both the availability is scarce and what is available comes at a reasonably high price.

CYBERBULLYING

Ms THOMPSON (Reynell) (14:24): Can the Minister for Education inform the house of the new powers of principals to protect their students from cyberbullying?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:25): I thank the member for Reynell for her question. I know she has a great interest in student welfare and has taken a particular interest in bullying because, like all of us here, we understand that bullying is common within our community, the workplace and domestic situations. It is one of those areas where schools are a microcosm of life in the big wide world. It is true to say that bullying confronts schools in the government, Catholic and independent sectors and we, as a community, across all education sectors, have worked together to reduce this societal problem.

In an initiative that I announced last week that has already been heralded as a national first, I explained to people that we had given a direction to principals that, in order to protect their students from cyberbullying, they would have more powers to take action even when the bullying occurred outside or beyond the school gates.

Principals have been informed that they are able to suspend or exclude students who threaten the safety or wellbeing of other students regardless of whether it occurs in schools or outside. In addition, principals can confiscate mobile phones from students and hand them in to police as evidence if there is a reasonable suspicion that the phone has been used to record a crime.

Initiatives such as these, as well as the raft of other measures that have been introduced in South Australia to combat cyberbullying, have led to this state being recognised and congratulated as a national leader in the area by world-renowned academics and experts such as Dr Michael Carr-Gregg and Professor Donna Cross.

In addition, the most recent research into covert bullying, conducted by Edith Cowan University in conjunction with the University of South Australia, suggests that our crackdown on bullying in schools is working effectively to reduce bullying. In this research, which surveyed 7,000 students from 124 schools across the country, South Australia was demonstrated to have the lowest rate of all forms of bullying across sectors and the lowest rate of covert bullying in state schools in the nation.

The prevalence of bullying in South Australia is also below the national average. South Australia was indeed the first state to raise the matter of cyberbullying and to inform principals about this issue. We also provided comprehensive anti-bullying packages and teacher training to every school in the state. This government has worked tirelessly to keep students cybersafe. This

includes the development and implementation of the Keeping Safe Child Protection Curriculum, which was introduced in 2007. Between 2006 and 2008, 17,000 teachers across the state have been trained to use this curriculum.

The curriculum includes content on using modern technologies safely. The Keeping Safe Child Protection Curriculum has been mandatory in all DECS schools since 2008 after extensive consultation, trialling and refinement, and it has attracted widespread interest and commendation from other states and territories.

The Coalition to Decrease Bullying, Harassment and Violence was developed in 2005 to bring the three schooling sectors together with eminent researchers to provide expert advice on critical issues concerning student safety. I referred the issue of cyberbullying to the coalition in 2008, and it subsequently provided a number of recommendations which we are following to ensure that all students are cybersafe.

With the coalition's help, a pamphlet about cyberbullying and e-crime has been developed with SA Police and NetAlert and 150,000 copies produced. This document recognised that cyberbullying is an issue confronting schools and helped to give teachers concrete examples to explain to their students what actually constitutes an e-crime and what the penalties are for such acts.

There are ample areas within the law that cover a whole range of issues that might be regarded as e-crime, and I would recommend this document to those in the house who would like to understand the legal implications, the fines and the level of imprisonment possible in a case of e-crime. This is an important step as children may not realise that their actions in this medium are actually criminal. A minority of children are, in fact, involved in e-crime but it is an area that we need to understand and explain to children widely.

The finishing touches are being put on the information package called 'Cyber Safety: Keeping Children Safe in a Connected World', and it is currently out for consultation. The new materials that are being produced will advise schools, teachers and parents about legislation, policies and practices, protection and safety. The Australian Communications and Media Authority has indicated that our materials are unique in Australia because of their comprehensive approach to cyberbullying issues. I congratulate the staff involved in these strategies and the Coalition against Bullying for giving us the very best advice available in Australia and for the effect that it has had in our community.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:30): My question is to the Treasurer. Will the government have made a definite decision for South Australians to consider before March 2010 about how it intends to fund the rail yards hospital, or will there still be uncertainty about whether a PPP or debt-funded model will be used?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:31): As I said yesterday, our preference has been for a public-private partnership but, to recap what I said yesterday and have said previously, since our decision to say it would be a public-private partnership, we have been confronted with the global financial crisis. What the global financial crisis has done is that it has made capital availability very difficult. Capital is scarce. Capital that can be raised on the debt markets is expensive debt for everybody, but more expensive for the private sector than it is for government.

So, what I call the 'spreads' are now very wide, and the cost to the private sector is very expensive. We will make an evaluation. At this stage, as I said yesterday, we had been intending to go to expressions of interest as a PPP and leave open the issue of whether or not consortia could bring sufficient capital to the table and whether or not that would be capital priced competitively. In fact, the information I have been given only this morning is that the cost of capital is becoming an issue for PPPs, as is the availability of capital.

The issue of whether or not we do what we call a DBOM for the hospital (design, build, operate, maintain), which I think, from reading the paper, is your preferred option, may yet be the way we go forward. We will make the decision prior to EOI as to how we will frame it. We have not made a decision. We will monitor capital markets and we will monitor availability of capital. When we are in a position to make the right judgment on that, we will. But my expectation would be that,

when we go to expressions of interest, or certainly by the time we short-list (and that will be well before the election), we will ensure that the market knows exactly which is the best way to fund it.

Always remember that the attractiveness of a PPP is that you bring private sector design innovation to the table, you bring better capital utilisation to the table and you bring significant risk transfer to the table. That is what makes PPPs attractive, but they must always be put up against a robust public sector comparator. Just about every time I have spoken on this matter you will see that, without any attempt to be other than upfront, open and transparent, I have always said that if these PPPs do not provide value for money to the state we will proceed with a different delivery model.

Ultimately, the delivery model is not the issue. The issue is the actual model or the product that is being delivered. PPPs offer great innovation and significant risk transfer, so they are always my preferred vehicle for delivery in these projects, but they are not absolutes. At a time, unfortunately, when global capital markets have collapsed, when available capital is almost impossible to access, or certainly very difficult to access, and the price of that capital because it is a scarce resource has gone up, the attractiveness of PPPs is subject to some question. We will be very upfront very early in the process as to what will be the best and appropriate delivery model.

PRISONS, CONTRABAND

Mr KENYON (Newland) (14:34): Will the Minister for Correctional Services provide the house with details about the recent seizure of contraband in prisons?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (14:34): Yes, and I thank the member for this very important question. Last month, four intelligence-led operations resulted in contraband, such as drugs, drug taking equipment and mobile phones, being detected and removed from our state prisons—some from members of outlaw motorcycle gangs.

Police and correctional officers are working together to keep our prisons safe for both inmates and prison staff. In May there were very strong results, which show that our approach is paying dividends. At Mobilong Prison, intelligence indicated that prisoners had concealed contraband within a stovetop range hood in a lower security area. A search was conducted, and officers uncovered one mobile phone, four SIM cards, two tattoo guns, six mini-screwdrivers, three mobile phone chargers and a quantity of cannabis. Further searches of other range hoods at Mobilong Prison that day also uncovered another mobile phone, two mobile phone chargers, a SIM card and a syringe.

Two prisoners were moved to the maximum security Yatala Labour Prison as a result of this operation. Also in May, at Cadell Training Centre, an operation was conducted targeting contraband brought in by visitors to the prison. Some 29 visitors and their vehicles were searched, and 18 staff from the Police Corrections Unit, Cadell Training Centre, the Department for Correctional Services Intelligence and Investigations Unit, Operation Security (using two drug detection dogs) and Riverland police ran the day-long operation.

Eight people had their visits cancelled. One visitor was charged in connection with cannabis and drug equipment found hidden in a 2.5 litre drink container. This person has been banned from visiting any prison for three months. Another person was also banned from visiting prisons for three months in connection with this matter. Furthermore, six people were found with 12 syringes in their vehicles. The syringes were confiscated, and these people have been banned from visiting the prison.

In a separate operation at Mobilong Prison last month, an immature cannabis plant and a package containing drugs were found after electronic surveillance detected a breach at the outer boundary fence. This is evidence of how recently installed motion detection cameras are helping us in the battle against contraband. Also last month, a body search of a prisoner, who is a member of the Rebels outlaw motorcycle gang, uncovered several small packages and a capsule of white powder. The substance is now being tested and is suspected of being amphetamine. The prisoner is on remand for serious violence-related offences and will be charged with introducing a prohibited substance into a prison. Investigations of these matters are continuing.

Once again, this arrest was made possible by intelligence gathered by Correctional Services officers and the department's Intelligence and Investigations Unit. Because of the good work of police officers and tough new laws introduced by the Rann government, more and more

members of criminal motorcycle gangs are being taken off the streets and put behind bars, but they do not automatically reform, and some try to continue criminal activity on the inside. Catching this Rebels member and confiscating the several packages of suspected illicit drugs he had shows the commitment of correctional officers in the fight against organised crime, and I commend them for that.

Our correctional officers are doing a fantastic job of making sure prisoners and their associates are stopped from introducing contraband into our prisons. The Rann government is sending a clear message to outlaw motorcycle gangs. That message is: the South Australian government runs our prisons, not them. People caught bringing contraband into our prisons face being charged and banned from visiting their loved ones in prison. Prisoners caught with contraband face investigation, relocation to a higher security facility and being charged.

Prisons, of course, are full of criminals, and the walls and razor wire do not deter the most committed crooks from trying to break the law from within prisons. Nevertheless, it is our responsibility to keep prisoners safe from each other and themselves, to keep prison workers safe and ultimately to send prisoners out into the world as better people than they were when they came into prison. Our clear message to anyone who is thinking about smuggling contraband into a prison is, 'Don't. You will be caught, and you face tough penalties, including a criminal charge, bans on visits and fines. If you are a friend or family member of a prisoner, the fastest way to get yourself into gaol is to try to smuggle in drugs, weapons or other contraband.'

Again, I applaud prison officers and Police Corrections for their great work last month in detecting and confiscating contraband from our state prisons. Prison guards and correctional officers have very difficult jobs. Their diligence and commitment to their profession are helping to keep our prisons and communities safe. Keeping contraband out of South Australia's prisons is a long and relentless fight, but the strong results in May show that we are landing some hard punches. With talented corrections staff and improvements in technology we will continue to do even more.

HEALTH AND MEDICAL RESEARCH INSTITUTE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:40): My question is to the Treasurer. How much will the state government be contributing to the proposed health and medical research centre at the rail yards hospital and how will they fund it? Last month, the federal government announced $200 million for the health and medical research centre, but yesterday the Treasurer advised the house that the research facility would cost $220 million and will be debt funded at the rail yard site.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:40): I don't think I said that.

Ms Chapman: You did; we have the transcript.

The Hon. K.O. FOLEY: Yes; have you got it there? In the house or on radio?

Ms Chapman: In the house.

The Hon. K.O. FOLEY: I said it was $220 million and be debt funded. Have you got it there?

Ms Chapman: I am trying to find it.

The Hon. K.O. FOLEY: Well, if I said that, I was wrong.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Well, I would like to see it, but if I said it, I was wrong. It is $200 million provided by the commonwealth minister and there is no state contribution. Is that correct?

The Hon. J.D. Hill: That's right.

The Hon. K.O. FOLEY: Thank you. Can I see the transcript in which I am alleged to have said that?

CRIMINAL CASE CONFERENCING

Ms CICCARELLO (Norwood) (14:41): My question is to the Attorney-General. Can the Attorney-General inform the house about the criminal case conferencing pilot program in the Magistrates Court?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:41): We need to reduce delays in trying criminal matters in the District Court. We have a backlog. The Rann government is responding to the problem of court delays and is pledged to speeding up the court process. From 1 April this year, criminal case conferencing became available through a pilot program, which is an initiative of the Criminal Justice Ministerial Task Force. With active involvement from prosecution, the defence and the magistracy, case conferencing will provide a forum for constructive early negotiations in criminal matters and will present the best prospect for a speedy and appropriate resolution of criminal matters.

Conferencing is now available in the Adelaide Magistrates Court for any major indictable matter or any minor indictable matter where the accused has elected for a jury trial. Criminal case conferencing is not mandatory. However, should it be desired, either the prosecution or the defence can request case conferencing at the answer charge hearing. Under the pilot program, case conferencing is conducted before committal of a prosecution to the District Court. A magistrate presides over case conferences, each of which will have half an hour allocated. Once a conference has been requested by either party, the prosecution files and serves before the date of the conference a summary identifying the elements of each charge and the declarations that contain proof of each element.

A case conference gives the parties the opportunity to canvass issues, including plea negotiations and the prosecution's attitude to sentence; whether or not there is a case to answer; disclosure; witnesses required; facts agreeable; issues in dispute; and any expert evidence to be called. This not only speeds up the trial process but also enables the possibility of an early resolution between prosecution and defence. A key feature of the program aimed at developing effective outcomes during the conference is the requirement that people with decision-making authority be present at the conference.

The accused must be present as must a senior member of either the South Australian Office of the DPP or the commonwealth DPP. The DPP representative, who is authorised to make final decisions about the case, appears on behalf of Mr Pallaras so that decisions about the case can be made on the spot. Likewise, the defence counsel is expected to attend, with instructions ready, permitting him or her to make meaningful decisions at the conference.

Even if the conference does not result in resolution of the matter it is expected that it will, at the very least, bring about clarity on issues that can expedite pre-trial proceedings and trial. In any event, case conferences will be conducted without prejudice. A transcript of the conference will be available only for use by the parties during sentencing submissions to show any discount on sentence that is to apply.

Throughout the course of the pilot, which is expected to run for 12 months, four half-hour criminal case conferences are to be scheduled for each week in the Adelaide Magistrates Court. These conference allotments will be allocated first come, first served.

To assess the effectiveness of criminal case conferencing, the Office of Crime Statistics and Research is collecting data about the conferences. Data collection is to be achieved by interviewing magistrates, defence council and prosecutors who have participated in the conferences and also by having them complete evaluation forms. In 2010, the program will be evaluated. If the data and feedback on this program is positive then there is the possibility that criminal case conferencing will be expanded to be utilised in other metropolitan and regional magistrates courts.

As I mentioned earlier, this criminal case conferencing pilot is an initiative of the Criminal Justice Ministerial Task Force. Established in October 2006, the task force brings together interested parties, including representatives from SAPOL, the Legal Services Commission, the Bar Association, the Law Society, Treasury, the Commonwealth DPP and the Attorney-General's Department.

I set up this working party to address the growing time taken for committal and trial processes in the criminal courts in South Australia and then to provide some leadership in

responding to other inefficiencies within the criminal justice system. It is excellent that the task force, chaired by Solicitor-General Martin Hinton, is developing solid initiatives and helping the government towards the goal of more efficient court systems for the benefit of the South Australian public.

TRUMPS

Dr McFETRIDGE (Morphett) (14:47): Will the Minister for Transport inform the house why he allowed the $17.4 million TRUMPS system to go live when he was fully aware of the numerous problems with the system? In his supplementary report for the year ended 30 June 2008, which was tabled yesterday, the Auditor-General stated:

> The implementation of the TRUMPS system did not adequately address the critical component of financial control accountability and reconciliation. This component of the system was not fully functional and effective when the system went live. This significant deficiency meant that DTEI did not exercise effective control over the completeness and the accuracy of financial transactions processed and recorded by the system during the year.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:48): The proposition from the member for Morphett is that I knew it would not work but I made them do it anyway—because, let's face it, I like getting in trouble. It's the best fun in the world!

For the benefit of the member for Morphett, the TRUMPS system was commenced with a lot of questioning from me as to how it was going to work, because such complex systems had been started up in Western Australia and, I think, Tasmania with a number of serious teething problems. So, it was a matter of great interest to me, and can I say the people involved believed that they had everything right.

The issues that have been identified by the Auditor-General are issues of reconciliation. The capacity to reconcile accurately and quickly under this system is much greater than the previous ones, but we accept what has been said by the Auditor-General and made changes as a result of that.

Mr Hanna: He was talking about inappropriate access as well.

The Hon. P.F. CONLON: Ask a question about it. I am more than happy to answer. I invite the honourable member to do so. I think he should. It is this system of questioning they have: he gets up and includes a piece of blatant debating in his question and then—

Mr Williams interjecting:

The Hon. P.F. CONLON: No, he said, 'Why did you start it when you knew it wouldn't work?' or words to that effect.

Mr Williams interjecting:

The Hon. P.F. CONLON: I invite the member to go and read *Hansard*. I hope you can read better than you can listen, but I can—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The fact is that, despite your allegation, I did not start up TRUMPS knowing that it was not going to work properly.

TRUMPS

Dr McFETRIDGE (Morphett) (14:50): I have a supplementary question for the Minister for Transport. Why did the Auditor-General state in last year's Audit Overview, on page 14:

> Audit noted that during 2006-07, reporting on the system development and implementation progress was made to the responsible minister...

Members interjecting:

The SPEAKER: Order! Perhaps the member might—

Dr McFETRIDGE: I am happy to repeat the question.

The SPEAKER: At least just repeat the quote from the Auditor-General.

Dr McFETRIDGE: This is from page 14:

Audit noted that during 2006-07, reporting on the system development and implementation progress was made to the responsible minister...

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:51): Why did he note that reporting in 2006-07 had been made to the appropriate minister? I am at a bit of a loss. I assume it is because the Auditor-General believed that in 2006-07 reporting had been made to the appropriate minister. I cannot be in the mind of the Auditor-General but I assume that is because he believed that appropriate reporting had been made to the responsible minister.

TRUMPS

Dr McFETRIDGE (Morphett) (14:51): My question is again to the Minister for Transport. Can he advise the house how many transactions that were processed through the department's TRUMPS system were deficient, and what was the total value of these deficient transactions from the time the TRUMPS system went live in September 2007? The Auditor-General stated in his report tabled yesterday:

Audit was unable to obtain assurances that all transactions processed by the department through the TRUMPS system during the year were accurately reflected in the financial statements.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:52): There is a sum of some—I do not have it in front of me—$700,000 mentioned in the audit report. In fact, after that was identified, further work between the Auditor-General's team and the department's team identified and chased down all of those things. I can provide the member with some detail, but we are talking about, from memory, $1.1 billion worth of transactions, including 4.1 million transactions.

Once that further work had been done it was found that as at June 2008 there was some $5,000 that had not been appropriately allocated. That means that it had not been put in the right column. Not a single cent of taxpayers' money was lost, but there was $5,000 not accurately allocated and there was some $36,000, out of a total of $1.1 billion, what the accountants called 'expensed', expensed are sums too small to be worth the administrative cost of pursuing, which I am reliably advised—if there are any accountants in the audience—is very much a reasonable sum in regard to $1.1 billion worth of turnover. My understanding is that the end result is that some $5,000 out of that $1.1 billion was not properly allocated to, I assume, the appropriate accounting standard.

TRUMPS

Dr McFETRIDGE (Morphett) (14:53): My question is again to the Minister for Transport. Can he advise why the Department for Transport, Energy and Infrastructure did not rectify the manner in which the commonwealth grant funding is treated when the matter was first raised with him by the Auditor-General three years ago? In the Auditor-General's Report tabled yesterday in this place, it states:

In each of the past three years the department has received commonwealth grants which it has recognised as deferred income, a liability representing revenue received in advance. The grants relate to funding received in advance for projects which are planned to be complete over a number of years. The projects include capital works related to road infrastructure and a planning research project. The accounting treatment adopted by the department is inconsistent with the recognition criteria incorporated in AASB1004 and APV5, and results in understatement of the department's operating income by the amount of the unrecognised grants, i.e., deferred income.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:55): I do not mean to be unkind. Asking this question does suggest that the member for Morphett perhaps has the short-term memory of a goldfish, because he asked the same question—

Ms Chapman interjecting:

The Hon. P.F. CONLON: Yes, and if you could stop talking and listen for once in your life I will provide you with some information. The member for Morphett and I think the Leader of the Opposition himself may have asked questions about this. I will go back over it and answer it again. I think he first asked it well over a year ago. It is all down to $100 million that your friends in the commonwealth government sent me a letter about some years ago. It was 24 hours before the end of the financial year, and they said, 'Do you want $100 million for the Sturt Highway?' We thought it was a tad difficult to spend that $100 million on a road in the last 24 hours of that financial year, so we asked Treasury for some advice on whether it could be taken—I think the proper term is 'deferred revenue', or something like that—otherwise, we would have had to refuse it. The Treasury

advice was that it could be accounted one way. The Auditor-General's advice subsequently was that it should be accounted this way. Had it been accounted that way, we would have had to refuse it and, of course, the member for Schubert would not have had a large swag of commonwealth money spent in his electorate.

Can I assure the member for Morphett—as I did the very last time he asked this question—that, where a matter is in issue, I will always decide in favour of spending commonwealth money in South Australia. If it happens again—I apologise to the house—I will decide in favour of spending commonwealth money in South Australia. If I understand the import of the question from the member for Morphett, he would have gone with the accountants and sent $100 million back to Canberra. Well, I would rather have the road than the valued view of an accounting standard.

TRUMPS

Dr McFETRIDGE (Morphett) (14:57): Can the Minister for Transport advise whether failures in the TRUMPS system have contributed to further financial losses of the Motor Accident Commission? On page 35 of his supplementary report, the Auditor-General explains that TRUMPS supports the administration of revenue collection on behalf of third parties (including the Motor Accident Commission) with respect to compulsory third party insurance premiums, and the commonwealth government with respect to federal vehicle registration.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:57): I have not been advised that there has been any loss of revenue by those groups. Given that we charge them for the service, I think they would probably let me know if there had. I do not know where you got that from; it is certainly new to me.

MOVE IT! PROGRAM

The Hon. S.W. KEY (Ashford) (14:58): My question is to the Minister for Recreation, Sports and Racing. How is the government assisting South Australia and communities to become more involved in active recreation and sport?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:58): I thank the member for Ashford for her question and acknowledge her interest in this topic. I can inform the house that the 2009 round of the Move It! Making Communities Active program is now open to recreation and sporting organisations. There is $500,000 on offer in this funding round to worthy projects, which I am confident will deliver substantial outcomes for each of the targeted community groups. The Move It! program provides funds to community-based active recreation and sporting organisations to increase participation in, and access to, quality active recreation activities and services at the community, local and regional level.

Eligible organisations are encouraged to submit projects that aim to change lifestyles over the long term by supporting people who are inactive to become active. This is a crucial element of the government's overall mission to increase the levels of participation in sport and recreation in South Australia. The Move It! program has as its basis the funding of programs that will increase participation in active recreation and sport. However, what makes the Move It! program even more effective is its funding of innovative solutions that address barriers to participation, such as a lack of transport and its targeting of specific population groups who have very low levels of participation.

Support for these targeted groups has included funding for sports programs for indigenous youth in regional South Australia; programs for seniors; projects targeting people with physical and intellectual disabilities; and participation programs for women from culturally and linguistically diverse backgrounds. Inactive people from low socioeconomic areas, the homeless and other marginalised sections of the population have also been successful.

Since the introduction of Move It! in 2003-04, more than $3.5 million has been provided to the recreation and sport industry to support physical activity initiatives. Last year, 34 organisations received funding for a variety of programs. This year's funding round opened last Saturday and closes on 13 July, and we look forward to receiving more outstanding applications. I urge all members to encourage eligible organisations within their electorate to submit their applications for funding as we strive to get more people more active more often.

KESWICK BARRACKS

Mr PENGILLY (Finniss) (15:01): Does the Premier support the forecast sale of the Keswick Barracks and surrounding land?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:01): I visited the Keswick Barracks, in fact, following my discussions with former foreign minister Alexander Downer. We once shared a vision that perhaps Keswick Barracks in the future could be a university campus, but unfortunately the universities said that they wanted to have their operations based in the city which, of course, led to the rejuvenation of the shared Downer-Rann vision of the Torrens Building.

We do not have any plans to purchase the Keswick Barracks. I have to say there would be an element of sadness to see it no longer used for military purposes because there is a heritage, an affection and the officers' club facilities that I am sure the honourable member has also enjoyed. In fact, I remember that the last time I was there was when we welcomed back a contingent of troops from Iraq.

No proposition has been put in front of me for any other purposes for the Keswick Barracks in recent times. The great thing about the area is that these are wonderful heritage listed buildings that must not ever be bowled over. I know that some people talked about it being a site for the hospital; we looked at that. The trouble is the site was not big enough and also it was not on the necessary transport corridors. It would have caused a transport mess, and that is why it was important. It also would have been a distance from the IMVS and the universities, as opposed to directly opposite a university—

Mr Williams interjecting:

The Hon. M.D. RANN: Directly opposite; across the road from a university—and the need to have it in the CBD, on a tramline, a train line, on bus routes, the hub of the city. So, I think we made the right decision. Certainly, the Keswick area is a stunning precinct. There are wonderful heritage listed buildings. There are also some pretty awful buildings there as well—sheds and so on.

No, I do not have any plans for the Keswick Barracks. I know the former government looked at disposing of it. I think that under Brendan Nelson as defence minister they had been looking at future uses of Keswick Barracks. I know there is a very strong affection for the barracks from those who have served there and continue to do so.

HUTT STREET CENTRE

Mrs GERAGHTY (Torrens) (15:04): Can the Minister for Housing advise the house of an innovative initiative to raise awareness about homelessness in South Australia?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:04): I thank the member for Torrens for her question and I know she has a very keen interest in social inclusion of all South Australians. I draw members' attention to an important event occurring in July that is being arranged by the Hutt Street Centre. We all know the Hutt Street Centre is one of the state's key homeless agencies where many of Adelaide's homeless are given a meal, a place where they can seek a shower and where they can do some laundry as well as access a range of professional support services.

On 17 July, the Walk a Mile in My Boots event will take participants on a one mile walk from North Terrace to South Terrace past the Hutt Street Centre. This event aims to give participants a small insight into what it is like to be homeless in the middle of winter in Adelaide and having to walk a mile to get breakfast. The walk will start at 7.30 and finish with breakfast in the South Parklands. Last week, I had the pleasure of launching this event at the Hutt Street Centre, along with well-known South Australians such as Brett Maher and Rachel Sporn.

The issue of homelessness has been a priority for this government, and our Premier has led the way in putting it on the political agenda around the country. Thanks to the great work of the social inclusion commissioner, David Cappo, we are having a real impact on homelessness in South Australia. In fact, over 20,000 people have benefited from assistance through social inclusion initiatives.

The latest figures collected in May again indicate that the number of men and women sleeping rough in the inner city has dropped. When we undertook the first count two years ago, 108 people were recorded as sleeping rough in the CBD. We set ourselves the target of halving this number, and this latest count indicates that we have done just that in two years. The latest count was 53, a drop of 51 per cent.

The issue of homelessness continues to be a challenge, but it is very pleasing to see that we are lifting the lives of many in South Australia who are extremely vulnerable. At the launch of Walk a Mile in My Boots, a series of hand-painted Rossi boots were unveiled, some of which had been painted by indigenous artists from the Hutt Street Centre and others painted by leading artists like David Bromley, Emma Hack, Jos Valdman, Alison Mitchell and Robert Hannaford.

I noticed a glorious pair painted for the Minister for Transport and even a pair for the Leader of the Opposition. I was delighted with the pair that was painted for me, and I hope to win them in the auction process. The boots will be auctioned to raise further funds to support the excellent work of the Hutt Street Centre. Boots that are unpainted but specially branded with 'Walk a Mile in My Boots' are being sold at $60 a pair to wear on the walk through the Parklands, and I urge members to think about pulling on a pair and supporting this worthy cause.

GRIEVANCE DEBATE

AUTISM SPECTRUM DISORDER

Mrs PENFOLD (Flinders) (15:07): Autism Spectrum Disorder (ASD) is a complex brain development disorder affecting approximately one to two in every 1,000 people. People diagnosed with ASD have difficulty with communication, social interaction and behaviour. They also have difficulty understanding and responding to other people's instructions, thoughts and feelings. The cause of ASD is unknown, and there is no cure. The effects of autism differ dramatically from person to person and not every ASD trait or characteristic is in evidence in every person.

Family dynamics are dramatically different in a household with an autistic child. Routines are unavoidably based around the person with ASD and everyday tasks, such as shopping, which may seem simple to most of us, can become complex and extremely difficult. The stress and pressure that are put on the carer or family of the person with ASD, who are their carers 24 hours a day, are immense. It can be extremely easy for other family relationships to become strained, neglected, and even break down.

Taking someone with ASD to the local shop or supermarket is not the simple task that the rest of us take for granted. They can become a danger to themselves, the general public and their family or carer in busy car parks or roads as they can be easily distracted and run off before their carer can react. The closer the car can be parked to the shop, the better for everyone.

A disabled car park, which is usually situated close to the shop's entrance, can help reduce the risk of accidents and is also available if a fast exit is required. Unfortunately, in South Australia using a disabled car park is not an option for people with ASD. In South Australia, those who qualify for a disabled parking permit are:

> Persons with a temporary or permanent physical disability whose speed of movement is severely restricted by the impairment and whose ability to use public transport is significantly impeded by the impairment.

A Port Lincoln mother of a 13 year old boy who has been diagnosed with ASD applied for a disabled parking permit. Her son has no control over his impulsive sensory behaviour and is strongly affected by cars—their noise and the general hustle and bustle of traffic. He becomes extremely unpredictable and has been nearly hit by cars on occasions when he has run out into the road to seek out something that grabbed his attention.

It is nearly impossible for his mother to restrain him because of his size, strength and determination to reach the object. The closer she can park to an entrance, the fewer distractions for her son. Unfortunately, he was denied a disabled person's parking permit as 'autism is not deemed to be a physical impairment'.

The mother applied to the Registrar of Motor Vehicles for review of the decision, and in her application she had supporting letters from doctors and teachers. Her application was denied, again with the same reason: autism is not deemed to be a physical impairment. After the first rejection, the mother wrote a letter to me, as follows:

> Disability comes in many shapes and forms and therefore presents many challenges in many areas, and my belief is that disability parking was implemented to reduce the challenges faced by these people every day of their lives. Whilst I support the objective, I believe the permit should include all those that have disabilities that profoundly affect their wellbeing and participation in the community.

She speaks from her very personal experience. South Australia should follow Victoria and Tasmania's lead and make criteria to cover other disabilities. For example, in Victoria, a person with autism is eligible for a disabled parking permit 'if a specialist medical practitioner or a clinical

psychologist indicates that he/she is an extreme danger to himself/herself and others in a public place without continuous attendance by a caregiver'.

Families with a disabled member should not be further disadvantaged. A car park close to a shop's entrance may not seem much to most people, but to carers of children and adults diagnosed with severe ASD it is a measure of safety that a caring community should adopt for the safety of the disabled person, their carers and their community.

I commend David Holst and the Intellectual Disability Association of South Australia on the effort they have put in to have what appears to be a very simple change made to the criteria the Registrar of Motor Vehicles is required to comply with. I ask the Minister for Transport to have some compassion and make this simple change that will make such a difference to people with ASD and their carers.

NORTHERN SUBURBS DEVELOPMENT

Mr PICCOLO (Light) (15:13): On Thursday 21 May, the Minister for Urban Development and Planning released a draft DPA for Gawler East in my electorate. On the same day, the Minister for Transport released the Gawler Growth Areas Transport Framework in response to the new urban growth boundary announced previously.

The proposed development has raised a number of concerns within the community that need to be clarified and debated in the public domain. To date, most of the concerns surround the issue of traffic management, particularly traffic to and from the proposed development in Gawler East, and other concerns have been raised around the future community character of Gawler, the environmental issues and, importantly, the infrastructure for the proposed development.

At a recent public meeting, arranged by the Town of Gawler, I was asked why this area was being developed. I advised the people at the meeting that the reason the north has been identified for residential and urban development is that this is where the jobs will be in the future. Both the Salisbury and Playford council areas are earmarked for strong job growth because of industries involving defence and other manufacturing areas.

Importantly, if jobs are going to be created in the north, which is a good thing for our community, we need to consider the cost of transport associated with people moving to and from home for work. They are the environmental costs, the costs of actually travelling and also protecting against becoming a dormant community. The further people work from where they live, the more our community becomes dormant.

The development also provides some economic sustainability for the local council. The three elements important in this proposal are, first of all, the DPA itself, the transport framework and the commitment deed. The DPA addresses the usual planning and design issues, and the transport framework outlines how to ensure that development does not congest the existing network of roads and how people can move around the community safely. The commitment deed about the infrastructure requirements of the proposed development, who pays for what, and when, is also important, and I will come back to that point a bit later.

Unfortunately, speculation around transport has created a great deal of distress in some parts of the community. Solutions need to be found to legitimate issues raised about amenity, noise, etc, but shifting proposed road networks to other roads is not the answer; it just impacts on another group of residents. We need to create some win-win outcomes, and those opportunities do exist. Importantly, pitting one group of residents against another is not the answer. We need to find a solution that best fits the overall community.

While some of the public debate has been misinformed, in fairness, by the lack of information, others have been promoted by deliberate politicking. Letters to the local paper today by some regular correspondents do raise some valid points, which the council, the developers and the state government do need to address. While I do not agree with all the views expressed in the letters, they rightly raise issues that need answers.

The letters have been written by Scott Fraser, Helen Wilmore (and I put on record my thanks to Helen, who keeps me informed of her actions and her lobbying) and also Paul Koch, all of Gawler East. The issue they deal with in the letter essentially revolves around infrastructure, and I will quote from Paul Koch's letter, where he states:

> What has not appeared is a Deed of Commitment. We were told that before any DPA was finalised, the state, developer and councils would spell out how the different infrastructure provisions would be paid for with an agreed timetable.

The issue around the commitment deed and who pays for what is a legitimate issue, which the residents do raise, and the residents have my full backing to ensure that this information is made available to the community prior to the DPA being authorised. I was given an assurance by the various parties that that commitment deed would be made public prior to the authorisation of the DPA, and I would expect that commitment to be honoured.

Another thing that I would say has to occur is an informed debate around this issue, so I welcome the informed opinions and views of local residents and business people. To assist that process I have asked ministers to make senior public servants available to hold information sessions in the Gawler community prior to the closure of community comment and feedback, to enable the community to fully understand both the DPA and the transport framework, because these two documents will have a major impact on the town.

Time expired.

RETRACTION AND APOLOGY

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (15:18): On 29 April in the house I made an apology to the Premier, the Hon. Mike Rann, and to the Hon. Nick Bolkus, Mr Michael Brown and others concerning a media release issued by me on 28 April 2009 which made a series of accusations against the Premier and others. That apology and a further apology made by me on 8 May were not acceptable. I now wish to make the following further retraction and apology and place it on the permanent record.

In the media release on 28 April I accused the Premier and others of serious criminal misconduct, and I also released documents that I claimed supported my allegations. My allegations were untrue, and the documents I released were forgeries. I accept that the allegations I made against the Premier in the media release and in the subsequent media interviews were false, and unfairly and improperly questioned his honesty and integrity. I accept that the Premier did not in any way act dishonestly or corruptly. I unreservedly apologise to the Premier for the hurt and embarrassment I have caused him, his office and his family.

In the media release and in the subsequent media interviews I also made allegations against Mr Bolkus, Mr Brown and the Hon. Mr Koutsantonis. These allegations were based on the same forged documents. I accept that the allegations and imputations against each of those persons were false, and unfairly and improperly questioned their honesty and integrity. I accept that they did not in any way act dishonestly or corruptly, and I unreservedly apologise to each of them for the hurt and embarrassment I have caused them, their respective offices and their families.

SOUTH ROAD UPGRADE

The Hon. S.W. KEY (Ashford) (15:20): Today in my time in grievance I would like to report further on residents' concerns regarding the South Road underpass and the tram overpass. As I have said in this house previously, I believe that the residents who live around both the underpass and the proposed overpass have been extremely patient and very cooperative with the department and, wherever possible, have attended meetings which I call 'information sharing meetings' but which I think the department calls 'consultation'.

Late on Friday, I received a petition from one of the representatives of our action groups, SNAG (South Road Neighbourhood Action Group), who wanted to ensure that I was aware of the work that she had been doing and, in particular, to look at some of the issues that had been raised by those residents who live next to the now South Road underpass and behind the great wall which we have on South Road, as well—better known, I am pleased to say, as the Gallipoli Underpass.

The petition relates to the re-opening of Forest Street, Glandore and it is directed to the Department for Transport, Energy and Infrastructure. As the petition is not in the proper form for parliament, I am unable to present it. However, it states:

> Please find below signatures of concerned residents of Glandore, covering Grosvenor, Forest, Park, Wellington Streets & Glengyle Terrace who find they have been extremely inconvenienced due to the closure of Forest Street. Now with work to commence in May on the tram line overpass, we will become 'Land Locked' by the permanent closure of Forest Street.
>
> As we feel strongly that it is possible to safely make a left turn only from Forest Street on to South Road, we see no logical reason for the permanent closure of Forest Street.
>
> It is proven on the North Western side of Anzac Highway that the traffic can safely merge on to South Road.

We therefore request that consideration should be made for residents to have Forest Street open for left turn only on to South Road.

This petition, as I said, directed to the Department for Transport, Energy and Infrastructure, has been signed by 80 residents who live very close to Forest Street.

In addition, a number of calls have been made to the Ashford electorate office regarding the tram overpass. I know that some changes need to be made for this overpass to take place and, in general, the community supports the overpass. However, many people are very distressed because they say that some 30 to 40 year old trees have been cut down by the department for transport to make way for what they think is the interim tram track, which will go along Norman and Glengyle terraces. While the residents of Glengyle Terrace and Norman Terrace are not very happy, they are understanding of the fact that they will have a tram going past their front yard temporarily. They are pretty unhappy that these interim arrangements, as they see it—or they hope—which will remain for some six months had to involve cutting down a number of trees.

People have been coming into the electorate office and ringing me up in tears because those trees were certainly the pride of that area and one of the beautiful features of that corridor. I think, overall, the residents have been extremely positive and have tried very hard to cooperate. We did have a contribution from one of our 80-odd year old residents the other day who lives near to where the tram overpass will be. She said that she was unhappy about the concept of a lift and she wanted me to ask the Minister for Transport (which I will do at an appropriate time) for escalators to and from the tram overpass. She said that, as much as she understands the need for a lift, she does not want to be stuck in a lift with someone she does not know—a stranger—particularly at night, and she would like the minister to consider escalators.

SOUTH COAST HEALTH FACILITIES

Mr PENGILLY (Finniss) (15:25): There are a few issues I would like to put on the record in relation to health on the South Coast and, more particularly, the long-term development of appropriate health facilities. That could well be a combination of a new greenfield site hospital with associated clinic facilities and could incorporate a hydrotherapy pool and other things.

Members who are familiar with the South Coast are aware that there is a South Coast District Hospital, which has been there for a great number of years. It does a fantastic job and serves all the South Coast area. Currently, it is predicted that the population on the South Coast will be 100,000 by the year 2050. I put forward the argument that we should be putting in place urgent planning for the future to provide suitable facilities.

Currently, about 40 doctors operate in various clinics between Goolwa and Victor Harbor. The largest clinic is the Victor Harbor Medical Clinic in Ocean Street, Victor Harbor, which also serves Port Elliot on a visiting basis. Quite clearly, the Victor Harbor Medical Clinic people are frustrated. They bought the old police station and police house and they have found, to their great concern, that the heritage issues around those buildings do not allow them to develop the property as they would wish. They are questioning whether members of the community want old buildings of dubious heritage value or whether they would prefer a good facility near the chemist shops and associated health facilities that are there.

Such is their concern that they have raised the issue with me on a number of occasions. I have dealt with it by way of correspondence with people in government with respect to where we could go. My view is that, if we were to redevelop a greenfield site, there would quite possibly be enough land adjacent to the police station and the new TAFE college on the Armstrong Road site. That is a possibility. It could include clinic facilities for doctors and a hydrotherapy pool for rehabilitation, which are also badly needed on the South Coast.

This is an important issue and, in my view, it is one that requires substantial public debate. The people involved in the medical clinic at Victor Harbor would be prepared to redevelop. They want to get on with it and they want to keep employing young doctors and bringing them into the area. Because of the older population on the South Coast there is an ongoing need (and that will be the case for a long time) for substantial medical facilities. Due to the fact that we have no public transport, it is difficult for people to travel to the city for their medical requirements and to see a specialist. We have a host of visiting specialists.

My view is that, long term, we should be looking at building a new hospital. Offers have been made. I think the jury is out on whether it should be a greenfield site or whether the current

site is redeveloped, but the people of the South Coast deserve to have a good look into the future to find out exactly where we are going on this matter.

There is a clear need to expand the service that the doctors there currently provide. As I said, they are prepared to put money into redeveloping their current facilities—they would be quite happy to do so, as a matter of fact. A lot of associated jobs go with these doctors. However, there is this difficulty with heritage buildings. I understand that they have talked to officers at the Victor Harbor city council, and they really want to act as good corporate citizens in the best long-term interests.

This is a critical issue. Unfortunately, this current government has done away with boards, so we have no board with control over the hospital anymore. We have a HAC committee that does its best, but it has no power whatsoever. The discussions were all held in Hindmarsh Square in the glass mahal up there. Country health has lost its way. I do not care what the minister says, it has lost its way, and my constituents deserve a better deal than what they may possibly get over the next 15 or 20 years.

ATLANTIC OCEAN TRAVEL

Ms BEDFORD (Florey) (15:30): On Monday night very sad news was broadcast about Air France flight 447 losing contact with air traffic controllers while over the Atlantic Ocean. Grave fears are held for the 228 on board and our thoughts and prayers are with them and their friends and families in what now, so tragically, looks like their darkest hour.

We heard this morning that their worst fears are likely to be realised and that the black box that may hold the secret to this disaster could be between three and seven kilometres below the surface of the sea.

Whilst so much safer these days, this serves to remind us how much we take for granted in traversing the world, now so relatively easy and fast, by air travel, a far cry from the days when we relied on sea travel. I was reminded of the report in the press earlier this week of the news of the death of Millvina Dean at the age of 97 at a nursing home in Ashurst near Southampton, England. Ms Dean was the last survivor of the sinking of the *Titanic* on the night of 14 April 1912.

At two months old she was the youngest passenger on that fateful maiden voyage, which resulted in the tragic loss of 1,523 lives. Her father was 27 that night when he was lost at sea, and we can only imagine the panic and dread that descended on passengers and crew as the gravity of their situation became apparent.

Fate conspired against the *Titanic* in so many other ways when several other problems became known in what was supposed to be the unsinkable state-of-the-art ship. Transatlantic travel can be a dangerous business and it was a crushing blow that the very calamity that it had been designed to avoid actually befell it.

There have been countless books and many films released about that night. Many stories and myths persist to this day. We are told of the brave men working to the end in assisting the women and children onto the boats, staying behind to face the inevitable with the captain, who went down with his ship, and that the band played on, trying to keep people as calm as possible.

Like many people around the world, the *Titanic's* story, containing so many others, has held my imagination and memory. A little while before my election I met Mark Kasperski, a world authority in all things *Titanic*. An Adelaide man, his recall of events is encyclopaedic, and I attended a talk from the then fledgling Titanic Society run by a group of passionate South Australians.

Over the years they have commemorated Titanic events, and through Margie Monk, the event coordinator, they have worked to incorporate the body '1912 The Event' to tell one of the world's best known stories of survival, human endurance and courage.

They have secured the Adelaide Convention Centre for the evening of 14 April 2012, and in association with a group of committed sponsors and supporters they will host 'A Night to Remember', one of many commemorations planned worldwide. They will also be raising funds for the National Breast Cancer Council and the Cancer Council of South Australia's prostate centre.

It is only in recent years that what is left behind of the *Titanic* has been found on the sea bed, and witnessing film of the final resting place of that great ship and so many people is sobering. So many lives were changed that night and I know that the 1912 Event, while remembering those lives, will be hopeful to help raise funds to ease the lives of people battling cancer and hopefully working towards a cure for the disease so prevalent today.

Last week, all over the nation, Biggest Morning Teas were held to raise funds for the Cancer Council and its work. In the Florey electorate office, staff baked cakes and hosted community groups, enabling us to raise in excess of $1,000. We remembered our friends, heroes to us, who have passed away this year: Clive Bristow, Karen Nulle and Ron Stanton. We remembered too people like Julie Duncan, Irene Krastev and Maria Oulianoff, and many other family and friends gone before us.

Groups like the Re Gen Shop, Modbury Kiwanis, Tea Tree Gully Croquet Club, the Forget Me Not Club and friends from the Burragah Over 50s, Tea Tree Gully Salvation Army, Modbury Probus, Enfield and Tea Tree Gully historical societies, as well as members of the Florey sub-branch, supported the day and enjoyed wonderful fare from Victoria's beautiful butterfly cakes to my own gluten-free dairy-free alternatives, as well as Girl Guide biscuits.

In our own way we are supporting the wonderful scientists and medical researchers working on the cure and prevention of cancer. Great things are being done in research centres all over Australia. In many ways we are contributing on the forefront. The Hanson Centre and the Masonic Foundation for Men's Health are making great contributions, as is the Peter MacCallum Centre in Melbourne, retaining an Adelaide connection through Craig Bennett, who served Modbury Public Hospital with distinction.

In keeping the memory of those who have gone before us alive, we can support the people who suffer greatest from their loss. We remember all those who have suffered from cancer and died and send our very best to all those facing cancer and those working on the cure.

MENTAL HEALTH BILL

The Legislative Council agreed to the amendment made by the House of Assembly to the Legislative Council's amendment No. 14 in the bill and insisted on its amendment No. 24 to which the House of Assembly had disagreed.

Consideration in committee.

The Hon. J.D. LOMAX-SMITH: I move:

That the House of Assembly no longer insist on its disagreement to amendment No. 24.

The government is prepared to accept amendment No. 24 on harbouring made in another place by the opposition. Whilst still opposed to the measure which may criminalise family members of mental health patients, particularly those from non-English speaking and indigenous backgrounds, the expeditious passing of this bill is vital if the government's significant reform of mental health services is to progress. The stakeholders who vehemently opposed the harbouring amendment understand that the government supported their position and that the responsibility for any possible negative outcomes resulting from the amendment's inclusion does not rest with the government.

The Mental Health Bill is the basis for a number of very important reforms to the mental health system and it is vital that we progress this agenda. The Mental Health Bill provides a contemporary framework for the provision of mental health services and is central to the reforms currently underway in the mental health system. It will enable people in rural and regional South Australia to be admitted to and treated in limited treatment centres. It will enable medical practitioners and authorised health professionals to be able to consider community treatment orders as a first option in treatment. It will also enable South Australia to have a chief psychiatrist with the necessary powers to ensure that the mental health system is both accountable and transparent in its functioning.

By accepting the amendment, the government is ensuring that these important reforms, and the many other reforms currently being carried out in the mental health system, are not held up any longer. I would particularly like to thank those members on the opposite side in another place for the support that they have shown for the vast majority of this important bill. I also thank the many stakeholders who have been involved in the development of the bill.

Mr WILLIAMS: I am delighted to hear that the government has agreed to accept this amendment. I take this opportunity to make the point that the other place quite often makes worthwhile amendments to legislation and, in fact, improves legislation. Only this morning I said—as I have said on a number of occasions—that, quite often, legislation which has been in gestation for many months (if not years) comes to this place and is rushed through very rapidly. We often have to rely on the other place to make judicious amendments to ensure that South Australia is subjected to the best possible law that the parliament can provide. I again commend the

government for accepting this particular amendment. It is just a pity that it did not accept the other 20-odd amendments proposed by the opposition in the other place.

Motion carried.

SELECT COMMITTEE ON PRIVATE CERTIFIERS

Mr RAU (Enfield) (15:40): I move:

That the committee have leave to sit during the sitting of the house today.

Mr WILLIAMS (MacKillop) (15:40): I want to make the comment to the member for Enfield that, being a member of that select committee, I am going to be involved in the house for some time on a matter of government business.

Mr RAU: The committee will be poorer for your absence if you are detained while we meet.

Motion carried.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (NATIONAL ELECTRICITY LAW—AUSTRALIAN ENERGY MARKET OPERATOR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 May 2009. Page 2704.)

Mrs GERAGHTY: Madam Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr WILLIAMS (MacKillop) (15:43): We now come to the third of the bills being considered by the house today to make significant changes to the way that our national electricity and national gas markets operate. This bill, by and large, along with the other two matters that we debated earlier today, allows for the establishment and operation of the Australian Energy Market Operator as a national single operator for our energy markets, both electricity and gas.

In regard to the national electricity law, there are only small changes but there are a couple of new functions that this legislation brings to the new market operator, and I will cover those in a moment. Firstly, the bill basically changes the name from NEMMCO to the Australian Energy Market Operator at many places throughout the act and, as I said, establishes a few new functions and makes some other amendments to allow this to happen.

The principal new function is that the Australian Energy Market Operator will also carry out the role of a national transmission planner. This will overtake the work which in South Australia was previously carried out by the Electricity Supply Industry Planning Council (ESIPC). I expressed my concern earlier in the day with regard to one of the other bills that the ESIPC, which I think has performed a brilliant function for the South Australian community, will no longer exist, and I also expressed some concerns that the new national body may not have the exact interest in the South Australian context that was previously undertaken by ESIPC.

There are some other matters that concern the opposition in regard to these changes and, as the minister has already expressed, it is difficult to get these sort of changes to provide national legislation, because South Australia (being the lead legislator on the national electricity market, as it has been since the mid-1990s) passes legislation through the parliament, and the other jurisdictions, I understand, adopt the same legislation not by passing a piece of legislation but simply by passing a bill to adopt the South Australian legislation.

Obviously, it is difficult for the various ministers from the various jurisdictions to come to agreement on the exact wording of that legislation. Different jurisdictions use slightly different phraseology in their legislation, and parliamentary counsel from the various jurisdictions have slightly different ideas about the way legislation should be drafted. That, in itself, makes this sort of legislation difficult, but it also leads to the odd compromise as we go forward, and I think one of the compromises here relates to the changes to national transmission planning.

One of the other issues that has arisen is that because this is now taking jurisdiction over both electricity and gas, the regime for attributing fees and costs to the various industry players has become much more complex. Having one market operator for electricity and a number of market operators for gas was relatively easy to administer in terms of setting levies and fees to recover the costs of operating NEMMCO (in the case of electricity.)

That has obviously become much more difficult and complicated and, as time passes, we will see how close we have come to getting it right. I understand that there are some transitional arrangements that will hopefully allow time for the new arrangements to come into place. I hope that we will not see too many further amendments to overcome some problems which might be totally unrecognisable at this stage, but I will be surprised if we do not.

The new Australian Energy Market Operator will be somewhat different from the previous NEMMCO inasmuch as, under the new regime, market participants will be able to be members of the Australian energy market operator commission. That is right, isn't it?

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: Company; not commission. I am not suggesting that I am fully au fait with the intimate detail of this legislation, as it is complex and esoteric. The change is that market participants can now belong to and be players in the company, and that throws up more difficulties. I will take the opportunity to ask the minister questions on this issue at the committee stage but, to my mind, and in the opposition's view of the world, there will be inherent conflict between market participants as players and competitors in the field with some of them having a role within the Australian Energy Market Operator.

Principally, under this legislation, the AEMO will be given powers to demand certain information from participants in the areas of both gas and electricity, and that information is obviously then available to the AEMO. For the life of me, I cannot see how individuals can separate their role as part of the organisation and their role as part of an organisation that is one of participants, whether that be in the area of transmission or electricity generation. I can see some significant difficulties in trying to manage that issue.

I understand the reason for having available people with such industry expertise, but I cannot understand why you would put them into the role of being an integral part of the operator with access to all that sort of information. So, the opposition has some questions with respect to information gathering and how the confidentiality of that information will be maintained.

I recall that, when the earlier legislation that established the national electricity law and the national gas law passed through this place, industry's key complaint about it was that there had been ongoing argument during its development about what would be part of the law and what would be part of the rules.

Industry's complaint then (and I have no doubt that it is ongoing) was that if a matter was part of the rules there was a process to amend those rules, and that process was set out in the relevant legislation. However, as I said in my opening remarks, to get agreement across the nation to change the act is very time consuming and quite difficult, if possible at all. Again, I think industry will make the same complaint in regard to what is in the law and what is in the rules.

Some of the issues that come to mind in relation to national administration of the market involve a couple of experiences we had in South Australia earlier this year, when we had quite sudden and significant blackouts and load shedding. At the time, there was great public debate, and I recall that the minister was involved, making statements about how the information on where load shedding would occur should have been made available. The Premier said the same thing, and then the minister came back and said, 'Well, notwithstanding what I think about it being made available, it is—

The Hon. P.F. Conlon: It's not what I said.

Mr WILLIAMS: I have your quotes here, actually, minister.

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: On Sunday 1 February you told *The Advertiser* you would be seeking a 'please explain' meeting with NEMMCO representatives about load shedding on Friday when you attended a Ministerial Council on Energy meeting in Canberra: 'He said he would ask about "procedures for communication into load shedding".'

The Hon. P.F. Conlon: That's not the information you're talking about; it's held by ETSA.

Mr WILLIAMS: I will ask you some questions on it in committee, minister, because I am sure you would love to put on the record exactly what you did find out. There was quite a bit of public disquiet at the time, I recall, and it is backed up by quotes in here that you were calling for reports and inquiries and all sorts of things. To the best of my knowledge and recollection, nothing

has come back into the public domain as a result of calling for those reports, and I guess the minister is hoping it has all gone away.

I do note that new section 115A may well overcome the problems that the government was having in explaining itself then, because I think it is incumbent on the new market operator to ensure that the relevant minister is in the loop and knows exactly what is going on.

The Hon. P.F. Conlon: That wasn't the problem.

Mr WILLIAMS: Now the minister is saying that was not the problem; he was in the loop. We will have an opportunity in the committee stage, because I am keen to get to the bottom of it, and I am sure the minister is, as well.

One of the other aspects of this legislation is that we have talked about the national planning function which the new market operator will have as opposed to ESIPC. Only yesterday in the house the Premier made a ministerial statement where he talked about South Australia's green energy. His ministerial statement was headlined 'South Australia is Australia's renewable energy powerhouse' and stated:

> We currently host 56 per cent of the nation's wind power, 90 per cent of its geothermal investment and nearly 30 per cent of its grid-connected solar systems, which is by far the highest in Australia.

That is possibly correct; it is possibly incorrect. We currently host 56 per cent of the nation's wind power. It is very cute to make a statement like that. The reality is, who is that power being consumed by? Is that power being sold in South Australia or interstate? I have posed this question to the minister on previous occasions, and I will keep hammering away at it and one day we might get an answer.

I reason I keep posing the question is that, if South Australia is hosting 56 per cent of the wind power generation and the majority of that power is actually being consumed by consumers in other states, who actually is responsible for providing the transmission services from the generators in South Australia to, say, the consumers in New South Wales? The reason I say New South Wales is that it is the New South Wales government Mandatory Renewable Energy Target (MRET) scheme which has been one of the drivers to the development of wind power and other alternative green power sources in Australia.

The initial driver was the Howard government's original MRET target of 5 per cent, from memory. That was a significant driver and kicked off investment in wind power across the nation. South Australia was, indeed, the recipient of a large proportion of that investment in wind power, principally because South Australia enjoys a very good wind resource. You do not have to be a Rhodes scholar and you do not really have to be a student of geography to understand why. We are situated relatively close to very good wind resources blowing across the Southern Ocean and hitting our coast. We also have some hills—I cannot call them mountains—which increase what they call the ram effect; that is, when wind coming off a flat ocean hits the land surface and then is forced up by hills, it increases the wind speed as it goes over the top of the hills. It is known as the ram effect. It is a very good wind resource.

Mr Kenyon interjecting:

Mr WILLIAMS: The member for Newland is getting the gist of what I am saying. If you are someone who wants to invest in wind power, you do a couple of basic sums. You work out how much your investment will be and what your return will be. Obviously, the better the wind resource, the greater the return. The further the wind resource from the consumer, the lower your return will be. When you do the relevant calculations to work out where the best place to build is, obviously South Australia comes out in front of many other parts of Australia in those equations.

That does not mean that the South Australian government has been in any way responsible for achieving 56 per cent of the nation's wind power interstate. It is being driven by MRET schemes, and significantly from the federal government and quite significantly from the New South Wales government, which upped the ante with regard to that. The Victorian government was going to do the same, but I think (from memory) they did not get across the line on that, but I stand to be corrected.

The big question that the Premier should be answering is—and, hopefully, the minister will go some way to answering this question, although he has not previously—how much of the wind power generated in South Australia is consumed in South Australia? That is, how much is consumed insomuch as electricity consumers paying the extra tariff to justify the generation of that

green power? I suspect that the figure is quite low. I suspect that the majority of the actual extra tariff is paid by consumers elsewhere, principally in New South Wales.

Yesterday, the Premier went on to say that about 90 per cent of geothermal investment and nearly 30 per cent of grid-connected solar systems were in South Australia. Again, South Australia just happens to have a very good geothermal resource. Interestingly enough, from the Premier's perspective and his history, the reason we have a large geothermal resource in South Australia is that we have radioactive rock. It is geothermal in South Australia and the Far North of South Australia is nuclear power. Let us not kid ourselves. The heat generated in the granite underlying a fair bit of the Far North of South Australia is generated by radioactive decay, and it is from harnessing that heat that we derive the geothermal power.

Again, historically, the Howard government put in substantial sums of money to support investment in South Australia. I am not too sure that the Rann Labor government has put one cent into it, but I might be wrong. The PACE program may have put a small amount of money into one of the projects.

Mr Kenyon: Two.

Mr WILLIAMS: The member for Newland is saying 'two', and I will accept that. I know the member for Newland keeps a very close eye on what is happening in the minerals area and I would accept that he would not be trying to give me a bum steer on this one, and I accept that. The vast majority of taxpayer funds that have gone into this technology did, indeed, come from the federal Howard government.

Just as an aside, the Premier went on to say that our current target is to generate 20 per cent of our electricity from renewables by 2014 and that this target was considered tough when it was set. That is rubbish. I know that my colleague the member for Davenport received a briefing at the time. We were debating the relevant legislation when that target was set, and the departmental officers told the member for Davenport at the time that the target of 20 per cent would be achieved well before the target date. We were not only well on track, but the target was a gimme.

The Hon. P.F. Conlon: It wasn't because of the work I did?

Mr WILLIAMS: No, it was not because of the work you did. It was because—

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: I am just explaining—

The Hon. P.F. Conlon: Come on; how many wind farms did we have?

Mr WILLIAMS: The minister does not listen. I will just explain. The Howard government's MRET scheme and then the New South Wales MRET scheme were the principal drivers of the development of wind farms in South Australia.

The Hon. P.F. Conlon: When did that come in? Was it in when you were in government? Was it in for several years when you were in government, and how many wind farms did you have?

Mr WILLIAMS: Come on, minister. We all know what the drivers were, and I know—

The Hon. P.F. Conlon: How many years was it in when you were in government?

Mr WILLIAMS: We all know what the drivers were, and as soon as the MRET targets had been met the investment fell over and the rate of investment stalled. We all know that. In fact, one of the larger companies worldwide that produced equipment for wind farms set up a factory not far from my electorate, just over the border in Victoria, and the factory closed down not long after it was established because the federal MRET targets were met and people stopped buying the equipment. I think I have some understanding of how the market is operating.

The Premier also said (and he was talking about solar), 'We introduced the first solar feed-in law in Australia.' Well, breaking news for the house: I will be moving an amendment to those laws in this place tomorrow morning, and I invite the minister to come in and support it. We will be fixing up some of the problems and oversights that have been caused by the legislation—the so-called first solar feed-in law in Australia—because it is somewhat deficient. The amendments have already been through the other place, so all we need is the minister's support and we will then be able to claim that, belatedly, we have caught up with the rest of Australia and we have a feed-in scheme that works and does the right thing by people who go out and invest in photovoltaic solar.

The Premier went to say that the government would increase the target to 30 per cent. Again, the question is: does that mean we will be generating electricity in South Australia that is exported to other consumers in other states, or is he saying that 30 per cent of electricity consumed in South Australia will come from renewable sources? There is a huge difference between those two propositions. The Premier and the minister know that, but they would like to say that they are doing a wonderful job, because large investments have been made here due to the wind resource rather than the actions of the government.

It is a bit like claiming that South Australia is so wonderful because we have the largest uranium mine in Australia. The only reason we have the largest uranium mine in Australia is because we have the largest uranium resource in Australia. It is exactly the same. It has nothing to do with the current government. In fact, if members of the current government had had their way over the last 20 or 30 years we would not have that mine in South Australia at all. But that is digressing somewhat. The national market—

The Hon. P.F. Conlon: It's also a lie.

Mr WILLIAMS: It is not a lie. Your Premier tried to scuttle—

The Hon. P.F. Conlon: Members of the current government, you said.

Mr WILLIAMS: No, I said members of the current government.

The Hon. P.F. Conlon: Yes.

Mr WILLIAMS: Well, the Premier is a member of the current government.

The Hon. P.F. Conlon: A huge supporter of uranium mining.

Mr WILLIAMS: He tried to scuttle Roxby Downs in 1981. The book that he wrote is down in the library, in fact a copy is on my bookshelf. I have read every word in it. I know the history of the Premier with regard to uranium. In fact, in the concluding pages of the book he urged South Australians to boycott BP fuel stations because BP was a significant shareholder in Western Mining. I happen to have a good memory.

I had a most interesting experience several weeks ago. I was in New South Wales looking at water issues across both the Murray and Murrumbidgee rivers. I started the tour through that part of the world with Snowy Hydro and had a look through the Snowy Hydro scheme and had a very good briefing from the CEO of Snowy Hydro.

I was unaware of the significance of the national electricity market to Snowy Hydro's operation and profitability and, to my surprise, the way the company now positions itself within that market. Principally because Snowy Hydro has a generation source which can start generating within 90 seconds and get to full capacity within five minutes, it has set itself up to provide, basically, an insurance service to other generators across the nation and has found that a much more profitable part of their business than actually producing electrons.

The minister said earlier in the day that with electricity you actually have to produce the electrons, not create them, free them up from wherever they are held, and Snowy Hydro, because of the national market, now operates a business which provides an insurance service to other generators which are bidding into the market all the time (every half hour), as does Snowy Hydro.

It was very interesting to receive that briefing and see how mature the national electricity market has become and how an operator such as Snowy Hydro has found a niche in the market which serves its business very well, and it obviously developed a new business model around that, but it also provides a very important reliability service to other generators. I am sure that that has added security to our electricity market per se.

Another comment that I would like to make is that in this morning's debate on the first of these bills my colleague the member for Flinders suggested that there could be some problems with having a national operator rather than an in-state operator, particularly with regard to transmission planning. The minister suggested that my colleague had got it all wrong, and that was the problem with the Liberals, that they are total believers in the market. I think the minister said something long the lines of, 'You Liberals, you love the market but you like to be socialists when it suits you.'

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: Well, it might be news to you, minister, just as people on your side of politics—and might I say belatedly—have discovered the strength of the market, I think people on this side of politics have always understood that the market is not the be all and end all and a mixed economy is probably the way to go. As I have quoted previously, the market can be a fantastic servant but it is a very tough master.

Market failure does happen from time to time and we do need market intervention. When we do have market intervention we have to get it right, and time will certainly tell whether the minister's federal colleagues have got it right with regard to the global economic crisis, and that is very serious market intervention, but it is something that we accept. On our side of politics, we accept that market intervention is—

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: Sorry? We opposed it?

The Hon. P.F. Conlon: You opposed the stimulus package. The Liberals opposed the stimulus package.

Mr WILLIAMS: We started it. It was Peter Costello who started putting billions of dollars away in future funds and infrastructure funds for the future, minister. At least we on this side of the house understand that, at some time, someone has to pay the money back. We understand that. That is something that people on your side of the house have failed to understand.

Ms Breuer interjecting:

Mr WILLIAMS: Well, suggest to your minister that he not get me stirred up on these things. I just want to make the point that we on this side of the house do accept market intervention and we do accept good legislation but, where necessary, we question whether we are getting good legislation. That is why I have posed my questions in this contribution.

The problem that I think we will see as we go forward is having members of the industry as participants in the market operator. I think that poses some serious problems and challenges for the national market as we go forward. The government obviously does not share those concerns. It is bringing this legislation to this place, I can only assume, with great confidence that it is the best legislation that we can have at this time.

I have indicated that we will be posing some questions during the committee stage. We want to drill down into some of the aspects and get on the record the minister's thoughts as to why we need particular wording and particular clauses. However, I can inform the house that, as with the other two pieces of legislation, the opposition will be supporting this. We established the national market and we want to see the national market improve as time goes by and continue to work for the benefit of consumers in South Australia. In our opinion, it has been most beneficial for consumers in South Australia and, I would suggest, consumers in other states.

There are some concerns with some aspects of this, such as putting gas and electricity into the one basket. I canvassed those concerns earlier. I talked about the challenges with regard to establishing a recovery of cost regime across both enterprises. Bringing the various gas operators under one roof would, of itself, be a challenge, but bringing them under the same roof as the electricity market operator poses an even greater challenge. The opposition looks forward to the next stage and seeing how this pans out as we go forward over the next period. I conclude my remarks.

Mr PEDERICK (Hammond) (16:19): I rise to make a few comments regarding these bills, especially in regard to the Statutes Amendment (Australian Energy Market Operator) Bill 2009. I want to give some background on the national electricity (South Australia) bill, which was introduced back in May 1996 by the then minister for infrastructure, John Olsen. Once enacted, this bill would make provision for the operation of a national electricity market. The reform of the Australian electricity industry had been underway earlier than that, with special premiers' conferences in the early 1990s, leading to the appointment of the National Grid Management Council.

The council published a paper in 1993 which made a number of recommendations. COAG agreed to the recommendations in 1994, and in 1996 ministers from New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory agreed to give effect to the recommendations. These recommendations were for regulatory arrangements for the national electricity grid, namely to create a uniform national electricity law and accompanying code.

That law was presented as a schedule to the bill introduced by John Olsen and this law was to be enabled by application of laws. Legislation in each jurisdiction and the code would be effective pursuant to the law. South Australia vigorously pursued and won the role of lead legislator. South Australia remains the lead legislator on the national electricity act and, as such, these bills before us today will be enacted throughout jurisdictions in the same manner.

At this time, the transmission networks of New South Wales, Victoria, South Australia and the ACT were interconnected and, since that time, Queensland and Tasmania have joined the network. Western Australia and the Northern Territory will probably never participate in the national market because of the significant transmission distances.

The act enabled electricity produced by generators to be traded through a common electricity pool, serving the interconnected states and territory. The newly appointed NEMMCO and NECA would coordinate the dispatch of electricity and the administration of the code respectively. Following this, in June 2001, there was general dissatisfaction with the original governance arrangements for the national electricity market. COAG resolved that a national energy policy was needed.

Subsequently, the Ministerial Council on Energy (MCE) was appointed and conducted an independent review of the strategic direction for energy market reform. The MCE agreed to a series of far-reaching reforms of the energy market to be pursued progressively by the relative jurisdictions. They recommended to COAG that NECA be abolished and two new statutory commissions be established—an Australian Energy Market Commission and an Australian Energy Regulator. These bodies were established under national electricity law and commenced operation on 1 July 2005.

In April 2007, COAG agreed to establish a single industry funded, national energy market operator to be called the Australian Energy Market Operator for both electricity and gas. All three of the bills we are debating today support amendments necessary to instigate that arrangement. It is interesting that, with the grid being interconnected over quite a bit of the Eastern States and now connections through to Tasmania, we have had significant issues over time with load shedding. Also, at times—especially in my electorate of Hammond where I have some powerlines run out to end of line as there is in the Mallee out to Pinnaroo—we can still have significant dropouts of power. When I say significant dropouts, these can be anything up to 24 hours long in a severe case.

Many people and many businesses in the Mallee have been forced to augment their businesses with generators that start up automatically when the power is off for a certain amount of time because obviously there can be severe spoilage in shops like grocery stores. I had quite a bit of contact with the local butcher in Pinnaroo, but there were also many farmers and other associated businesses in the Mallee that could be interconnected with power.

I know that there are discussions underway for solar energy to be set up in the Coorong council area, and I think that could generate great benefits not just for the state but for the local area. I would like to think that many more opportunities for the sale of power could be instigated especially in an area like my electorate where there is a lot of space. It would certainly help with the power outages that we are seeing.

I am saddened to hear that, even if some of these schemes were put into place, it would not necessarily mean that the power would be directed down through the Mallee. I noted with interest several years ago that Australian Zircon was setting up out at Mindarie and trying to get power diverted through from Tailem Bend on a new line up through Karoonda and Mindarie towards Loxton, and, as a spinoff, power coming off the line would have benefited the Lameroo/Pinnaroo region as well. Sadly, that did not happen. The power was directed down from Riverland with a line from that end.

Notwithstanding that, I do understand that there are plans in the future for more power to be generated in the Mallee, but it will not come soon enough for some businesses. With the lack of allocations and lack of water supply from the River Murray, many horticulturalists, apart from the ones already operating out there in the Mallee Wells area growing potatoes, onions, carrots and so forth, are struggling to get enough power supplies out there. In fact, many pivots for irrigation are running on diesel. Electricity can be expensive, but diesel generation to power the pivots can be very expensive as well.

There are certainly many demands for power not just in my electorate but throughout the state. It was just back in the '60s when power went through where I live at Coomandook, and it is

sad when I think that 40 or 50 years later we have times, such as during the heatwaves in February, when there is not enough power to go around. Yes, there is more demand on power. I believe that as a community we have probably got a bit softer; we are all used to living in air conditioning so there are far more people using air conditioners.

You would think that, with a state government that has a population target of 2 million in this state, power generation would keep up with demand. In February, during the heatwave, a record number of people died for various reasons. I am not sure how many were directly attributed to the heat, but I am sure that it did not help them. There were about 72 bodies in the morgue, and it is very sad in the modern world that we cannot maintain power supplies to keep a modern community functioning. There is certainly much work to be done.

On Black Saturday, when there were a whole heap of issues happening, a national grid even collapsed around us. There were fires heading down towards Loy Yang to the massive coal-powered power plant down there in Victoria. It is a big open cut operation, so big that if anything is in the way they dig up the highway and move the road or take over properties. I understand that there were 12 bulldozers working flat out to protect that plant because that is one of the main power sources not just for Melbourne and Victoria but for the national grid. It is to be noted that, in latter years, Tasmania has been hooked into the grid. Its interconnector collapsed in 30°, and that troubles me because I believe that, at 30°, you are barely getting warm.

Mr Williams interjecting:

Mr PEDERICK: Thank you, member for MacKillop. It would be warm down at Millicent. It is worrying that the system could not handle that temperature. I believe that it tripped out a couple of times and threw everything into chaos; load shedding had to occur, and the whole system was under pressure.

Recently, the member for MacKillop and I went to look at the Snowy Hydro scheme, the Murrumbidgee and the upper River Murray. I must say that they were excellent hosts at Snowy Hydro, but they need better skills or more training so that they can have axes or chainsaws in their vehicles, as the member for MacKillop and I had to more or less find our own way off the mountain because we were not getting too much support in some areas; however, that is another story. I certainly was not going to sleep on a cold mountain at night, but everyone managed to have a laugh about it later.

Mr Piccolo: Which mountain did you say?

Mr PEDERICK: The Snowy Mountains.

Mr Piccolo: I thought you said Brokeback Mountain.

Mr PEDERICK: No, I don't think so. I was intrigued with Snowy Hydro and the way it operates. It generates power only when it lets water go, and it only lets water go when it wants to generate power, so it does not spill water from its system just for the hell of it; it is always done for a purpose. It is interesting to note that, essentially, they run as an insurance operation, insuring other operators against the peaking prices of power, which can max out to $10,000 a megawatt hour.

Essentially, the small operators put a contract in place with Snowy Hydro, which insures them to make sure that power can be supplied when it reaches those higher figures. They have set up their operation so that they can have their turbines switched on within 90 seconds, which is virtually instantaneous. I know that one person commented that he had watched a couple of sets of turbines crank up in less than a minute.

It is quite an intriguing operation. When we visited, two people were managing the operating centre with about two dozen computer screens and big panels up on the wall. Bids are put in on power lots for different periods. It is extremely well managed, and you would think that they had it sewn up, but they said that there were still some issues sometimes when, for whatever reason, they did not quite pick the moment in the market. However, it certainly works well for them when they can switch on virtually instantaneous power and back up when the grid is under stress.

Snowy Hydro noted that, when the pressure was on during Black Saturday, one unit out of a total of 32 was out for service. Everything else was running at full noise, and they managed to have everything else going and turning out the maximum amount of power they could. I do commend them for that they do, and it intrigued me how they managed the system.

It is important that in the future we maximise our power generation. Obviously, there are long leads of interconnection. There is always debate about where to run the power to, but obviously the point of highest economic demand will generally receive the power. I was at Prominent Hill the other day for the operation of the mine; it is an impressive operation with a new power line going into operation there. I was intrigued with the whole operation; it just goes to show that mining camps and mining operations have gone a long way since I worked at the Moomba gas field and Cooper Basin 25-odd years ago, when you see every room with satellite TV and internet access.

Mr Williams: And a shower!

Mr PEDERICK: And a shower. It is good to see the company looking after its employees with mobile phone coverage in the immediate area.

There are other developments in the state, especially in the mining field, with BHP Billiton's expansion of Roxby Downs and ensuing works which also involve Olympic Dam, and infrastructure close to Adelaide with the sulphur dock unloading area through to the expanded rail line out to Olympic Dam and also the works involving the Port of Darwin. There is certainly plenty of work happening or about to happen on the West Coast of this state. On Eyre Peninsula, Iluka is just starting to crank up with mineral sands, and Centrex and other companies will need power supplies over there. We will need to grasp what we can. I know lots of work is happening with geothermal energy, but that is a little way off being contained, and if it can be harnessed in the future that will be a great boon to this state.

As I said before, there will be plenty of opportunities for solar power, and we have a reasonable amount of wind power, but a lot of that gets transferred to the eastern states. In the future I think that CETO wave technology will be a great way to power infrastructure like desalination plants. It is infrastructure which is mounted on the sea bed and which can not only pump water but also pump enough water to generate twice as much power as is needed for the desalination plant that may be operating there at the time.

There will be plenty of need happening in this state over time, and we hope that all the arrangements we are debating today with moving forward in managing our energy needs will be a boon to this state. Let us hope that outages will be at a bare minimum, because they cause a lot of havoc to people, not just those using computers in IT, which is everywhere these days, but also in production, retail and everywhere along the chain. With that, I conclude my remarks.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (16:39): A great deal was said, but I do not think most of it was really relevant to the bill we are discussing. On renewable energy, all I can say is that what is plain is that the opposition spokesperson was pained by every success of the government, and particularly Mike Rann, and that is why he devoted so much time to renewable energy and to the PACE scheme, I have to say, too, which I thought really was an effort, because so deep and abiding is his dislike of Labor. You could tell by the pompous way he lectured everyone and how they know everything on their side. The born to rule mentality shone through. He hates the success of the Labor government and he has a lot more to hate for a lot longer yet. That is all I need to say about the nonsense that was spouted about renewable energy and the PACE scheme.

Mr Williams interjecting:

The Hon. P.F. CONLON: I will not debate the issue, but I will say that the MRET scheme was in place during the time of the previous Liberal government, a point that the previous Liberal government refuses to acknowledge. Of course, their success under the MRET scheme was to have no wind farms in South Australia at all—none—

Mr Williams: They were well on the way.

The Hon. P.F. CONLON: The only wind farm that I can remember that was proposed had been locked up in the previous energy minister's office. I think Tarong was the name of the company, and if you ask it, the deadlock was broken after the election of a Labor government.

Mr Williams interjecting:

The Hon. P.F. CONLON: He mentions Babcock & Brown. The first one, the defects were cured by us. I think if he wants to talk about Babcock & Brown in the Millicent area, we should go to the locals for some advice. I can well remember the advice from the Wattle Range Council and

former mayor Don Ferguson that the wind farm was going nowhere until the election of the Labor government, and I do not think anyone—

Mr Williams interjecting:

The Hon. P.F. CONLON: Well, go and ask him. That is what he said. I think that anyone who would think that Don Ferguson is somehow a Labor supporter does not know the former mayor. If he wants to debate the issue, I will do it at the appropriate time on the appropriate bill. Oddly enough, I would like to direct the attention of members to the bill before the house. It is the third in a series of bills that gives effect to the establishment of the Australian Energy Market Operator. It has two primary functions. It brings together the markets for electricity and gas in the company and charges the market operator with that piece which has been recognised for a long time by many commentators which is missing from the current regulatory system, and that is an adequate system of transmission planning.

I can indicate that I think the first Ministerial Council on Energy meeting I ever went to in 2002 identified some defects in the system. One was the absence or the vacuum in policy making in the system. The solution which was sought was the establishment of the Australian Energy Market Commission, which now is the rule making body. It recognised that NECA had been a failure: it was abolished. The other thing that had been recognised as a failure in the system was the absence of transmission planning, and this is what is sought to cure that.

Can I say the process of this reform has been longstanding, and without meaning to be insulting, it certainly has been informed by far better debate than we had today from the opposition on this matter. The process of reform has been a long one, as it necessarily is when things are done through the Ministerial Council on Energy. I am asked to assure the opposition that this is the best solution. I can tell you that, having spent this much time on it, it is the best possible solution; and the nature of a federal system, the nature of any system that builds in democratic safeguards and divides power, is one which means that an accommodation from a wide range of views has to be sought. There has been accommodation sought for a long time and this is the best possible solution in the views of the ministers involved.

I think it is best if I now answer the questions of the opposition during the committee stage. I just say that I would prefer to answer questions on this bill and not something else, but I am quite happy—if the opposition spokesperson is determined to waste the time of this house on his personal peeve with a successful Labor government—to deal with that. I have absolutely nothing to fear in the energy debate from members opposite; I will answer any questions they have. If the member wants to turn it into some other debate, then I am quite happy to dispose of him in that regard, too.

Bill read a second time.

In committee.

Clauses 1 to 16 passed.

Clause 17.

Mr WILLIAMS: Can I point out to the committee that clause 17 is quite extensive; in fact it runs to many pages. I hope that the committee will indulge members on this. I think if we were restricted to three questions on this we probably would not—if we get some good answers and good explanations from the minister then we may well not need more than three, but it is—

The CHAIR: I am happy to allow exploration of the technical details. I get testy when it enters into debate.

Mr WILLIAMS: I am finding it a bit difficult because some of the things that are concerning me jump back and forth between a number of the subclauses of clause 17. My questions are principally to do with the clauses pertaining to seeking information and orders to seek information, and how much information and what sort of information can be given to the minister.

I will start with new section 50A—AEMO to account to relevant minister for performance of adoptive functions. During my second reading contribution, as you would recall I spoke about the blackouts that we had back in February and the community debate about what information could be given and what could not. Subsection (1) provides:

AEMO must, at the written request of the minister of an adoptive jurisdiction, provide information about the performance of its adoptive functions with respect to that jurisdiction.

Does that mean that, if we had a blackout and the government wanted information with regard to what parts of the community were going to be blacked out and under what circumstances, that information would be forthcoming?

The Hon. P.F. CONLON: Can I indicate, firstly, that the member for MacKillop, when speaking about load shedding in his second reading contribution, it appeared to me, was confusing two things, one of which was the report that we had sought from NEMMCO on load shedding and the other was a fairly pointless debate about a list of information held by ESIPC instituted by the previous government. From memory, it was no more than a list of feeders.

The view of ESIPC was that if that information was released it would not inform people, because it did not even tell people in what order things would occur as there would be a need to align any load shedding with the size of the feeder in a particular area. So, anyone who saw the list and saw their suburb at the top of the list would believe that they were next to be cut off, but they would be misinformed. I did not think it would do any harm for people to release that, but I respected the wishes of the industry group at the time.

That did not apply to information from NEMMCO, which was a different set of information altogether. What I asked NEMMCO at the time was whether it could improve its communication with the public as load shedding occurred, recognising that such events are often instantaneous.

I might point out at this stage that what was said earlier by the member for Hammond about the many problems with load shedding is not actually true. There have been two events of load shedding since we came to government, and they both occurred during that week. That is simply a fact.

You may not believe it, but it is simply a fact that that load shedding that occurred through the loss of load only occurred twice. There have been other network-related blackouts, many of those, but not load shedding where it is understood as shedding load because of a lack of capacity to meet that demand. I just need to make that point.

In terms of South Australia, my understanding is that new section 50A of subdivision 1 refers to the advisory capacity of the former AEMO. Subdivision 3 is about network functions and it refers to the former Victorian VENcorp, which is incorporated in the market operator which actually has responsibility for the transmission. Just what is the question about? Is the question about information that we would seek in terms of the advisory functions, or is it in general, because there is going to be an awful lot of information that will not be sought by us about the operations of VENcorp, and I do not think it should be sought by us.

Mr WILLIAMS: Are you saying that these particular clauses are peculiar to the Victorian jurisdiction?

The Hon. P.F. CONLON: Clause 6 refers to AEMO's additional advisory functions. It refers to those provisions that apply to South Australia. That is new section 50B and all of the remaining new sections, 50C through to 50J.

Mr WILLIAMS: Thank you for that, minister; that makes more sense. I have to admit that I did not receive the briefing from the minister's department: my colleague in the other place did, so I apologise. I am just trying to establish, at least in my own mind, how this is going to work. My understanding is that ministers to date have been somewhat at arm's length from NEMMCO, but as I read through this—

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: —well, apart from their function through the Ministerial Council on Energy—new section 50A provides:

> AEMO to account to relevant minister for performance of adoptive functions.

Division 3—which you have just told the committee is applicable to South Australia—provides:

> Information etc to be provided to ministers.

New section 51—Ministerial request, provides:

> (1) The MCE or a minister of a participating jurisdiction may ask AEMO for information, a report or other services.
>
> (2) The request may be accompanied by a written statement of the purpose for which the information, report or other services are sought.

'May'—so, it seems to me that the relevant minister has an extensive new power to ask AEMO for all sorts of information. The minister does not even have to say why he or she is seeking the information. New section 51A provides:

(1) AEMO must comply with the request under this division.

It then goes on about protected information.

The Hon. P.F. CONLON: New section 50A provides:

(1) AEMO must, at the written request of the minister of an adoptive jurisdiction, provide information about the performance of its adoptive functions with respect to that jurisdiction.

New section 50B simply reproduces the advisory capacity of ESIPC in terms of the annual report functions where ESIPC tell us, as you would know, what it believes the state of play will be in terms of demand versus supply over the next three years, and any issues associated with that. So, all it does is produce in this legislative framework a way for me to get AEMO to keep doing the functions of ESIPC in terms of its annual reporting.

Mr WILLIAMS: I assume that that report will become a public document at that point.

The Hon. P.F. CONLON: That would be my intention. I cannot see why it would not. The Planning Council publishes its report, as it does. I can assure you that, when we went through this agonising process, my view about how this should operate was that ESIPC should be reproduced, because it is the best that I have seen of those systems running around Australia.

Mr WILLIAMS: I am buoyed by the responses that I am getting. If I can now draw the minister's attention to what will be new section 51 on page 19. This is what I was getting to a moment ago—that it opens up the possibility for the minister to request all sorts of information. What is envisaged by that particular clause, because my understanding of the existing regime is that the minister, as a sole minister—apart from his opportunity through the Ministerial Council on Energy—does not have that sort of power or relationship with the market operator.

The Hon. P.F. CONLON: I can say that, in practice, it repeats what we do already. There is a request from the MCE, but there is also the longstanding practice of me, as the minister, writing directly to NEMMCO requesting information. There is information that they will provide to me as a minister; there is information they provide to the MCE; and there are certain types of information that they might make a decision that I should not be provided with.

I will check that I am right about this, but I think there is a reference in here somewhere to protected information, which is information determined by the law and rules. I will check that I am right, but I am pretty sure that it does not really do much that is different from what applies at present under NEMMCO, even though it is a different regime. They also have to protect confidential information, and I would imagine that is the sort of information they protect at present when I make a request of them for information. Otherwise, I have always found them to be cooperative.

I point out that the original director of NEMMCO, who was appointed by the former Liberal government and whose appointment was maintained by me, is a person I regularly have a chat with about things that are happening, but obviously his obligations to the market company are such that he would not tell me things that I am not supposed to know. However, he is very open with the things that I should know that are helpful to the discharge of my functions.

Mr WILLIAMS: I think, minister, you have satisfied my curiosity there. My colleague in the other place may take this further. I note that new section 51A states that AEMO must comply with requests from the minister, but it does have an out where it provides that, if compliance with a request would involve disclosure of protected information, that can only be disclosed under the rules.

I turn now to new section 54H—Disclosure of protected information authorised if detriment does not outweigh public benefit. This may be a simple one to answer. I think we had some discussion on this when we were passing previous legislation on the national gas law and the national electricity law. I think it is a fairly sensitive area.

I mentioned during the second reading debate that I have some concerns about market participants now being part of the operating company and the flow of information and the potential for conflict. I am not quite sure whether disclosure of protected information is going to protect individual participants from persons who are their competitors in the marketplace but who are members of the AEMO.

The Hon. P.F. CONLON: I do not think we answered that question. We are not just talking about public disclosure of information but a member of the company getting commercial information about a member.

Mr WILLIAMS: They are both concerns, minister. One is public disclosure. I am assuming that section 70 of the principal act will apply, and that gives a participant access to judicial review. The other question is about internal disclosure to somebody who may belong to a competing organisation.

The Hon. P.F. CONLON: There is a judicial review for a participant but there is also a merits review by, I think, the competition tribunal on disclosure of information. It is dealt with under new section 71A. They have to be able to request information and make a decision about disclosing it. There is a merits review, as I understand it, and a provision for a judicial review. This is detailed in clause 22 of the bill which deals with new section 71A.

Mr WILLIAMS: I will rephrase the question. Section 70(1) of the principal act refers to a situation where a person could be aggrieved by a decision or determination under the law and the regulations or the rules, etc. I am wondering whether that applies to new section 54H, which sets out the process of being able to disclose protected information if it is deemed that the detriment does not outweigh the public benefit. There is a whole process to go through. My question is: at the end of the day, does the market participant still have redress to section 70?

The Hon. P.F. CONLON: Yes.

Mr WILLIAMS: The other part of the question was: how are market participants protected against persons who are a member of the AEMC but belong to competing market participants?

The Hon. P.F. CONLON: It is not unusual, particularly in the energy industry, for a person to be on the board of several companies, and the corporations law applies to protect from conflicts. I am advised that the corporations law would also apply in terms of a director gaining access to information that might be commercial in-confidence in nature relating to a competitor.

I know you are not talking about the general information about one generator that another generator might be able to use. My understanding is that protections under the corporations law would apply, and I assume that it is a subset of the general laws governing conflict. It is quite a technical legal point. I might let them scribble it out and give it to you, but there are protections under the corporations law, and we will refer you to the appropriate protections as soon as we can get that down as clearly as possible.

Mr WILLIAMS: I take it, from that, that the Australian Energy Market Operator is a corporation under the Corporations Act?

The Hon. P.F. CONLON: It is a corporation limited by guarantee, which is precisely what NEMMCO is.

Clause passed.

Clauses 18 to 42 passed.

Clause 43.

Mr WILLIAMS: First, minister, I am assuming that this is applicable in South Australia.

The Hon. P.F. CONLON: Missed by this much again. We have transmission companies in South Australia but VENCorp, in essence, manages the transmission system there and VENCorp will be subsumed into AEMO. This is a specific provision to deal with Victoria's peculiar circumstances under the bill.

In South Australia, the Office of the Technical Regulator (OTR) will be the system. Remember that I said earlier that the planning council's advisory matters are in here and system security matters will go to the Office of the Technical Regulator which will be responsible for system security in South Australia.

Mr WILLIAMS: Again, it gets back to the blackout situation that we had, and obviously the law here will give the minister in Victoria considerable powers. I take it that the minister in South Australia will not enjoy those powers and will not be a part of the development of the load shedding arrangements.

The Hon. P.F. CONLON: In fact, it will probably be closer to government than it was in the past, because in South Australia the information was held by the relevant distribution company and

provided to ESIPC. It will now be held by the Office of the Technical Regulator as an employee of the South Australian taxpayer.

Mr WILLIAMS: This is probably my last question. With regard to load shedding, some years ago there was discussion around seeking out significant consumers and taking them off-line in times of peak demand when there were some problems with the system. In February this year, we saw a different type of load shedding where we actually cut power to specific suburbs or certain parts of the network.

It came to my attention probably a week after that incident that, interestingly, one of the major consumers in South Australia, the Kimberly-Clark paper mill in my electorate, went off-line earlier that day before the rolling blackouts in Adelaide. So we did, in fact, have it in South Australia, but I do not think that was handled interstate. I do not think that load shedding occurred from outside of South Australia. In fact, I think Kimberley-Clark was asked by its energy provider if it would go off-line.

Is it envisaged that we would have the sort of load shedding if and when necessary in South Australia that we saw in February or January or will we still have a system where we will target specific high users of energy and give them the opportunity to go off-line on days of short supply?

The Hon. P.F. CONLON: I suspect that you are talking about two separate things. First, I come back to this point: load shedding is most unusual and occurred only in what was, by anyone's standard, the most extreme weather event that I think this state has ever seen—10 days straight of 45°, or at least over 100 in the old measurement.

I have to say that most of the difficulties occurred interstate. I will start with what I suspect happens at Kimberly-Clark. As a big user, it is probably able to turn on and off, which a lot of big users cannot do easily. It may well have a contract with its electricity provider, which is an interruptible contract where, for the purposes of that provider, it will turn them off because they can sell the electricity at a higher price in prevailing market conditions. I assume that is what that is, and it is a purely commercial arrangement between the user and the provider.

At present, there is a further provision, which is called the 'reserve trader provision', where, at the commencement of the summer, which is a typically peak demand period, an assessment is made by NEMMCO of supply versus demand. Arrangements are made by NEMMCO to engage reserve traders; that is, people who are prepared to put their electricity back into the market.

The problem was that the predictions of NEMMCO did not match what occurred in a series of events during an extreme weather event, and that is why we had the rare event of load shedding. One of the proposals that we, as a jurisdiction, have put up to the MCE is that we should consider a rule change for a more flexible use of the reserve trader so that, instead of entering into arrangements at the start of the year, there may be a kind of standing reserve trader provision so that, if it is foreseen that something like this will happen, that can be implemented. The best way of saying it would be a kind of mid week or during the event.

That is something we are pursuing, and we believe that it would put more flexibility into the system. However, the real issue was that the forecast of demand and supply balance did not foresee the extreme events—something that they did not expect to happen at Basslink—coupled with a major transmission failure somewhere in Victoria. In short, I think that you are on the right track, and we are asking for consideration by the AEMC of a more flexible or 'nimble', as we have termed it, reserve trader provision.

Clause passed.

Remaining clauses (44 to 53) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April 2009. Page 2580.)

Mrs REDMOND (Heysen) (17:23): I am pleased once again to begin, at least, my comments on the new equal opportunity bill, which was introduced into this chamber I think in

November last year, so even now it has taken a fair while to get to this stage. I might say at the outset that today is the anniversary of my admission as a barrister in the Supreme Court of New South Wales on 3 June 1977, which is a few years ago, and it is the anniversary of the Eddie Mabo case 15 years after that.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney says I obviously did not do a double degree, and that is absolutely correct, because I had to study at night part-time because, sadly for me, I graduated from high school before Mr Whitlam abolished university fees and my family could not afford my going to uni full time.

I note that not only is it my anniversary but it is also the anniversary of Eddie Mabo's case, which of course had a great impact on the entitlements of the indigenous people in this country and a long overdue recognition of many of their entitlements—but back to this bill.

The bill came in November last year, but it had had a long history before that, because the government introduced a somewhat similar bill in 2006, and that bill we opposed. We opposed it, largely because we felt that it would have an unfair impact upon small business. To start at the very beginning, we have had an equal opportunities piece of legislation in this state for more than 20 years. By the 1990s, the Liberal government had decided that that needed to be reviewed and it engaged Brian Martin, then QC, to undertake the review of the legislation, and he did that by about 1994.

Brian Martin is now the Chief Justice of the Supreme Court of the Northern Territory, methinks. He undertook a review which made some recommendations about that legislation. It then became part of a proposed bill in 2001 which was introduced by the then Liberal government. The Liberal government did not complete the bill and, of course, it lapsed when we went to the election in 2002.

We then got to 2006, and the Rann Labor government introduced its previous version of this bill and, as I said, the Liberal Party at the time opposed it. We made it quite clear at the time that we were opposing the bill, although we readily conceded that 80 per cent or thereabouts of the bill was unobjectionable. It was completely unobjectionable because, indeed, 80 per cent of the bill merely reflected what already was binding on every person in this state by virtue of federal legislation, so it would be a nonsense, therefore, to object to legislation which merely reflected what every person in this state was already bound to by way of federal legislation.

In that regard I point out that the following pieces of federal legislation already exist: the Disability Discrimination Act 1992, Racial Discrimination Act 1975, Age Discrimination Act 2004, Sex Discrimination Act 1984, Human Rights and Equal Opportunity Act 1986, Equal Employment Opportunity (Commonwealth Authorities) Act 1987 and Equal Opportunity for Women in the Workplace Act 1999. I think that, in terms of specific legislation dealing with equal opportunities as a general cause, that is an up-to-date list of the relevant commonwealth legislation.

We also have in this state, in addition to the Equal Opportunity Act 1994, the Racial Vilification Act 1996. So, there was already a fairly comprehensive regime of legislation covering all areas of the commonwealth including, of course, the people of South Australia and, therefore, as I said, 80 per cent of the 2006 bill was not of any consequence to us, because it merely reflected what was already contained in commonwealth legislation and already was binding upon every person in this state anyway.

Indeed, there would be some advantage—and that was the main benefit of the bill: there would be some advantage—in allowing the state to cover the field with the same legislation but offering a closer, simpler and possibly cheaper and better means of addressing the same problem but using the state system. So, 80 per cent of it was unobjectionable. However, we opposed that bill. Why did we oppose the bill? We opposed the bill, as I said, largely because of issues concerning small business.

I will cite a couple of examples. There were issues about not being able to discriminate on various grounds, including, for instance, the ground of where a person might reside. Upon inquiry from the equal opportunities commissioner, it was obvious that there was not really a problem with this. Conceivably, it might be possible that a person looking at an employment application might be prejudiced against people from particular suburbs—and that could work, I am sure, in both directions, be it from people who perhaps had businesses in high socioeconomic areas being prejudiced against people coming from low socioeconomic areas.

The Hon. M.J. Atkinson: Richer and poorer areas.

Mrs REDMOND: As the Attorney says, in common parlance, richer and poorer areas. It could equally be the case that someone running a business in a poorer area might be prejudiced about a person coming from a very well-to-do area. However, during our discussions, the equal opportunities commissioner conceded that there was not really a problem with this occurring, and it seemed to the Liberal side that, indeed, the problem with that piece of the legislation was that you could create a situation where it became an offence to prefer someone from your own area.

I for one have always endeavoured to provide employment locally where I could, whether I was running my own business prior to coming into this place or in the engagement of staff and, in particular, in taking on young trainees, I try to give local kids an opportunity. I am sure that many members of this place on both sides of the chamber do the same thing; that is, they try to give the local the job. However, if we had allowed the provisions of the previous legislation to go through as originally intended, then we would have faced the problem that that could be a difficulty.

Equally, there were provisions, for instance, that would make it an offence to discriminate against someone because of the nature of their employment. Now, as a rule, I would say that that is perfectly reasonable. I think that you should not discriminate against anyone personally, but I raise the—

The Hon. R.B. Such: Unless you are marrying them.

Mrs REDMOND: The member for Fisher says, 'Unless you are marrying them,' which is a cynical but, hopefully, in jest, comment from the member for Fisher. I put the proposition, for instance, that someone who was running a business which was being adversely affected because the parking inspector was being an absolute pain about pinging people with a parking fine as soon as they were 30 seconds over their limit, then that person running the coffee shop whose business was being adversely affected might readily wish to be fairly discriminatory about parking inspectors, and particularly that one, coming into the place.

There were those sorts of issues and it was largely those sorts of issues that created difficulty for us in the previous legislation. Some of the other issues that arose—and some of them have not yet been resolved—for instance, were that the equal opportunities commissioner had recognised that there was a sort of conflict for her in the current system inasmuch as she, first, has to attempt to mediate an outcome between the parties to a dispute, but if the matter is not successfully dealt with by mediation and she then has to take it to the tribunal, she has to represent the complainant. The commissioner herself, I am sure, recognises the difficulty of that conflict, and I am sure any lawyer would recognise the difficulty of the conflict of interest that created.

The solution proposed in the previous bill was going to be that, instead of that being the case, the commission was not going to represent the complainant at the tribunal, but the complainant was going to be guaranteed the benefit of legal assistance at the tribunal. From my personal knowledge, many of the people who become the respondents to tribunal matters are in situations where they are running very small businesses and they do not have the benefit of having regular income because they are running a small business and they have to pay their staff whether or not enough money is coming in, and they can be just as severely prejudiced by these proceedings as a complainant. Therefore, we saw it as unfair that a complainant was going to be guaranteed the protection of getting their costs met but a respondent to the proceedings, an employer—likely a small business— was not going to get that protection.

Basically, that was how we saw the problems with the original bill. There were also issues in the original bill which the Liberal Party decided were going to be conscience issues. Largely, the Liberal Party has a view that matters touching upon sex, sexuality, morals and religion will be conscience votes for our side. To that extent, whilst we can have a party position in general about this piece of legislation, I can indicate that there remain, even with this legislation, certain items which will be conscience issues for Liberal Party members.

I will move on to what then happened, because I have already delineated, without going into too much detail, given our new arrangements, the background as to why we opposed the original bill. We were not the only ones opposed to the original bill and there was a particular clause which was of considerable concern to particular parts of the community.

Indeed, in 2006, our colleagues in the upper house, the Hon. Andrew Evans and the Hon. Dennis Hood, as the representatives of Family First, received, I think, something like 8,000 signatures in petition and letter form, they received submissions, letters and emails and all

sorts of things, and the particular concern was the consequences of what is generally called the Catch the Fire Ministries case, which had arisen in Victoria under the equivalent legislation there, although it actually has a different name. I will turn up the name of it, but there is a different name for the equivalent legislation.

Suffice to say, the circumstances of that case were that two pastors, Pastor Danny Nalliah and Pastor Danny Scot (the two Dannys, as they were known), were giving a seminar about the Koran. At the seminar, as I understand the circumstances, there were some 250 people who were basically people of a similar persuasion to themselves, Christians who had come along to learn about Islam. One of the pastors in particular did have quite a detailed knowledge of Islam and quoted quite extensively from the holy book of Islam, the Koran, in the course of the proceedings.

Unbeknownst to them, there were also present, I think, three people who were of the Muslim faith, and in due course an action was taken against the two pastors claiming, basically, that they had incited hatred under the equivalent legislation in Victoria, which had been introduced during the period of the Bracks government.

At first instance, the finding of the Victorian Administrative Appeals Tribunal (VCAT) was that yes, there had been a vilification, and that was appealed to the Full Court of the Supreme Court. The three justices in that court ultimately found that the pastors were not guilty under the legislation, but I think that they referred the matter back to the administrative tribunal for a new hearing on the evidence that had already been placed before it but before a different tribunal member.

Ultimately, although they were vindicated under the Supreme Court, it would have to be conceded that the relevant judgments are not particularly helpful in getting clarity about what they finally determined the law to be, and although the appellants' costs were in part paid by the objectors, they were significantly out of pocket for their legal expenses in the process.

The genuine concern about that particular piece of legislation and that particular case in Victoria, even though, in my view, it is not equivalent, was what led to the 8,000 signatures that were then either on emails, letters, petitions or other correspondence particularly sent in by Family First.

The Liberal Party position was largely opposition to the bill, to the 20 per cent of it which concerned small business, and, on those issues touching on sexual matters, morality matters and so on, we were going to have a conscience vote. There was this other group as well, and certainly some of the Liberal members agreed with the views expressed, that there was a concern about the section which was the equivalent of the Victorian legislation, or the nearest thing to it in our legislation, and a concern that that would inhibit freedom of speech.

My view is that it actually does not do that and that, given the findings on the Catch the Fire Ministries case, it really should not be a question. Nevertheless, the government then did its best to negotiate some terms which would be acceptable to both sides. Ultimately, we invited the government to bring the previous bill back into the house, but in fact, wisely, it took the bill away and redrafted it to remove or amend most of the things that we had found objectionable.

For instance, the Brian Martin QC recommendations from the 1990s were that children over the age of 16 should be subject to the anti-harassment legislation provisions, the sexual harassment provisions in the bill, and the bill introduced in 2006 actually provided that, instead of over the age of 16, it would apply the provisions of the legislation to anyone at high school.

We had an argument about that on the basis that it seemed to us to be unreasonable to expect a 12 year old child, for instance, to be the subject of the provisions of the bill. We took that view notwithstanding the fact that the bill did indeed provide that there had to be an attempt to settle the matter within the school in the first instance and that there could be no monetary compensation payable.

All of that said, the final situation was that the government then, as I said, went away and redrafted the bill so that most of the concerns, both our concerns about small business and the relevant clause that had been so troublesome to those who were worried about the Catch the Fire Ministries, were addressed. Indeed, with respect to the small business aspects, some of the provisions have been deleted and some have been amended. There are still a couple about which we have a bit of concern, but not anything too big. In the Catch the Fire Ministries case, they removed the provision that was offensive. So, it is no longer in the bill. Therefore, I would have anticipated that the bill should have a reasonably rapid passage.

I believe there are still some issues that need to be addressed, and it will come as no surprise to the Attorney that I will be taking some time to go through the detail of the issues, particularly when we reach the committee stage of the bill.

I want to mention the groups of people that have contacted me and various others in relation to the bill, because there are still some divided views. Representatives of Carers SA have contacted us. They, for very good reason, want to see this bill passed, and sooner rather than later. Carers SA, of course, is the body that represents carers, particularly carers who are caring for people with a disability in our community.

Nationwide, we have an extraordinary number of people who are covered by the term 'carer'. It is 2.5 million nationally and 223,000 in South Australia, and that is just the people who are family carers of someone with a disability. There are many other people who are carers who are not necessarily family carers and who are not necessarily caring for someone with a disability, so I suspect that the group of people is much broader than that. However, 2.5 million people nationally and 223,000 in this state are just family carers caring for family members with a disability, and their view is that they want to see this bill passed. Indeed, in a letter dated 11 February the CEO (Rosemary Warmington) and the President (Jan Wallent) said:

> Carers SA has sought for some years now provisions in equal opportunity legislation on the grounds of caring responsibilities.

They went on to say that Carers SA has argued consistently that it is essential that family carers have their roles and responsibilities safeguarded whilst they undertake employment, education and other day-to-day activities at the same time as caring for people who have chronic illness, and so on. In their view, it is unacceptable that a person could be discriminated against just because they selflessly care for someone else. Indeed, they say that the carers in this state contribute an estimated $2 billion a year to the state's economy.

I have no doubt that that figure would be pretty accurate, because in my previous occupation I used to do a fair bit of personal injury work and some of that work was referred to me by the Public Trustee for people who were so catastrophically injured in accidents that they could no longer care for themselves and we used to have to calculate their care. For some people who did not have family to care for them it was going to be a very expensive exercise because, basically, family does what you really could not pay someone to do.

I know, from dealing with people who have been made quadriplegic, for instance—almost tetraplegic, indeed; people who have virtually no movement except for a slight movement of their head—that their family members are left to deal with every detail of their daily living, be that every sip of water they take, every mouthful of food they eat, every time they go to the toilet, every time they have to have a shave or have their hands washed or their fingernails clipped, or anything else.

One cannot comprehend until placed in that situation, or close to that situation—or, as in my case, having to observe and calculate the consequences of that situation—just how overwhelming and difficult that is. As I said, it surprises me not at all that Carers SA would estimate that the value they add to the community would be $2 billion a year. I would venture to suggest that it would, indeed, be considerably more than that amount. In this letter dated 11 February they state further:

> We are...pleased to see that this bill makes it unlawful to discriminate on the grounds of caring responsibilities including indirect discrimination such as setting unreasonable requirements that are too difficult for a carer to meet.

Just by way of explanation, the nature of discrimination under this legislation can be divided into direct and indirect discrimination. Direct discrimination is pretty obvious. If I say, 'I'm not going to employ you because you're female, and I don't want to employ females,' that is obviously direct discrimination. But if I say, 'I'm not going to employ you because I only like to employ people who are six feet tall, or taller,' that would be indirect discrimination, because the vast majority of women do not reach six feet. That is just a very simple example of the mechanism that we refer to as indirect discrimination. The letter continues:

> We also note and acknowledge that the bill provides protections at a state level for people with disabilities, mental illness, learning disabilities or illnesses such as HIV and Hepatitis C.

In due course, I want to explore in the committee stage exactly what disabilities, and therefore which carers of what disabilities, are protected by the legislation. Carers SA points out that this, in its view, will be a useful complement to the SA Carers Recognition Act 2005 and the SA Carers Policy 2006. SA Carers correctly points out:

Carers are amongst the most vulnerable of our society: they need all the support they can get.

Changes in the culture of the workplace...that enable a work/life balance are required if carers are to thrive within a caring community.

I think that same statement would probably apply to anyone with a disability in our community. They are more vulnerable. It is more difficult for most people with a disability to gain employment. However, once they do gain employment, they are usually such conscientious and good workers that often they are the best and most reliable workers that a workplace has. So, once people overcome their initial fear of employing someone with a disability, they often find that they are good. I am sure that the same would apply to carers. They are already dealing with far more than the average person and therefore they will likely be very well organised and extremely conscientious.

At the other end of the spectrum, of course, we may have people who simply want to avoid work by claiming the benefit of caring responsibilities. It is striking that balance correctly so that we protect our most vulnerable but do not allow people to get unnecessary benefit under this legislation that we need to address today. I seek leave to continue my remarks.

Leave granted; debate adjourned.

BOAG, MR J.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (17:56): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: By media release issued on Tuesday 28 April, and subsequently by radio broadcast and press conference on Wednesday 29 April, I imputed of and concerning Mr John Boag (the State Treasurer of the ALP) that he had been a party to corruption and was prepared to abuse his position of trust as Treasurer of the ALP for improper purposes. I unreservedly withdraw any such imputation, and I apologise to Mr Boag for any distress caused to him, which I note was aggravated by my failure to properly investigate materials which came to my attention and which were the basis for my publications.

[Sitting suspended from 17:57 to 19:30]

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

An honourable member: Where is the minister?

Mrs REDMOND (Heysen) (19:31): I am curious about where the minister is, but I guess we will not pay any attention to that. I am pleased to have the opportunity to resume my thoughts and deliberations on this magnificent bill. Just prior to the break, I was talking about the letter I received in February from the Carers Association and that that association's interest in seeing this bill pass both houses, it having being profoundly disappointed that the previous 2006 iteration of the bill had not succeeded. I am hopeful that the bill will pass.

On the issue of caring responsibilities, one of the issues that we raised in discussions with the government during 2007 and into 2008, when there were considerable and quite productive negotiations between us about our problems with this bill, was that sometimes it will be very difficult for an employer, no matter how fair minded, to continue to allow someone with caring responsibilities the freedom necessary for them to continue their caring responsibilities whilst at the same time maintaining their position of employment.

One can readily imagine, of course, that a person who has caring responsibilities, particularly someone caring for a person with significant disabilities, may well find that it is very difficult to maintain normal employment hours. Before the break, I think I commented on the fact that, in my experience, people with disabilities who eventually gain employment are often the very best of employees because they are extremely conscientious and often love the fact that they have the job, the status and the feeling of self-worth that comes from having employment, which often

has been denied to them for many years. So, the people who are the most vulnerable may indeed turn out to be the best of employees. However, that said, there is nevertheless a concern that freedom from discrimination in employment, particularly if it applies to every person who has caring responsibilities, could lead to a situation where employers are left literally in the lurch in terms of actually getting output from their business premises.

The caring responsibilities being inserted in this bill are, in fact, a new ground of discrimination in this state. They have been worded in this bill to match what is found in the commonwealth Sex Discrimination Act (that is, the immediate family members) and they also have been broadened to caring relationships under Aboriginal kinship rules.

The house would be well aware from my previous statements on various matters that I had, over a period of years, considerable involvement with parts of the Aboriginal community on the far West Coast, and I am certainly well aware that it would be unreasonable for us to insist that the only people whose caring responsibilities one could have recognised were those applicable to what they would call white fella rules and not recognising Aboriginal kinship rules. So, I have no difficulty with the idea that the definition of the caring relationship to be protected by this legislation should be extended to include Aboriginal kinship rules. So, the definition of who is protected is now basically the same as set out in the commonwealth legislation, and I think it might slightly extend the kinship for Aboriginal people, which is fine.

The other major area in which the commonwealth legislation and the proposed state legislation vary is that the commonwealth legislation only protects against dismissal whereas the state legislation, as proposed, will protect against discrimination for people with caring responsibilities for all people with caring responsibilities as defined in the act for all the areas covered by the protection of the legislation—that is, not just for employment but for the provision of goods and services, education, clubs and housing, including boarding houses and the like.

I welcome the fact that there has been some movement in the area of caring responsibilities. As I said, the letter from Rosemary Warmington on behalf of Carers SA indicated that they were very anxious for this bill to proceed, but they represent just the people with family caring responsibilities for people with a disability. The definition of the people they represent, therefore, is relatively narrow compared with the definition as it seems to appear in this legislation. It is certainly not as broad as it was in the 2006 bill.

The 2006 bill was going to apply to any person who had responsibility to provide continuing care to another person regardless of relationship. As I see it, there are two problems with that. Firstly, I think the nature of continuing care would be problematic. There could be many circumstances where someone might have caring responsibilities, but does one define 'continuing care' as 24 hours a day, seven days a week? Does one define 'continuing care' as having to have daily attendance on a person? Does one define 'continuing care' as having to go for a particular period of time to care continuously for someone? There could be any number of interpretations of that concept.

As to the issue of caring responsibilities, I think personally that the bill has the balance about right. As I said, it basically uses the definition of the caring relationship which is found in the commonwealth legislation and, therefore, that part of it is already binding on everyone in this state in any event. So, to that extent, I think that the bill gets the balance about right, and I indicate the support of the Liberal side of the house for that particular provision, although I note in passing that when we get to the committee stage of this bill, it will be an area which I will want to explore in some detail because, on reading the definitions, it seems to me that the way the bill is worded is relatively broad.

I will make reference to a couple of things because 'caring responsibilities' is actually given its own provision. It is quite general in terms of where it will apply. I indicate that we want to explore that in due course at the committee stage.

The next major change in the current bill, as compared with the 2006 version of the bill, is the removal of what was to have been a new ground of unlawful discrimination under the 2006 bill, and that was discriminating against someone on the basis of their profession, trade and lawful occupation. I note the use of the word 'lawful' in that but, as I said earlier, there could be any number of reasons why someone, as an employer or a business proprietor who is dealing with customers and so on, might legitimately want to discriminate about that particular issue.

I also mentioned earlier the issue of area of residence and, again, I thank—

The Hon. M.J. Atkinson: You did and you were particularly convincing on it.

Mrs REDMOND: I thank the government for removing that provision from the bill because, as the Attorney says, I was particularly convincing on it when I mentioned it earlier because I am sure that many of us (if not most of us) do actually discriminate—and probably discriminate in favour of, but discriminate nonetheless—towards someone from our own areas when we are employing people. I welcome the government's position in relation to that matter.

This new bill has another major difference with the bill which was introduced in 2006. That 2006 bill did not progress finally through its committee stage in this house, although I think from memory it did reach the committee stage. We had progressed through the second reading but we never got past clause 1 in the committee stage. The next major area of difference is that of chosen gender. This is an issue about which those on this side of the house will have a conscience vote, so I indicate that my comments on this issue are mine and mine alone and do not represent the views of my party.

The Hon. M.J. Atkinson: How appropriate that we should discuss this just after the death of Danny LaRue.

Mrs REDMOND: The Attorney states that it is appropriate that we should discuss this just after the death of Danny LaRue and I indeed agree that it is appropriate that tonight be the night that we discuss that. I had not realised because I missed that tiny bit of the news. I saw a picture of a very elderly man who passed away and I was unable to identify him in the snippet of that particular segment of news that I caught at the end of a phone call. The Attorney has now filled me in on that and I now understand why that particular person's face was on the news tonight. He was looking so elderly that I did not actually recognise him as Danny LaRue, so I think he must have lived to a pretty good old age.

Chosen gender, of course, is a technical amendment more than anything else in my view but there are, no doubt, those who will see that somewhat differently. In times gone by, of course, we only recognised people who were male or female. We did not have room in our terminology or, probably, in our collective consciousness for anyone else, but we now know that there are people who are transgender and there are indeed people who are born with indeterminate gender who end up making a choice one way or the other.

There are people who are born to one gender, who feel that they have been born with the physical attributes of one gender, but feel as though they are of another gender, and indeed I have had more than one client who has been in that situation over the years of my legal practice. I represented more than one person who found themselves in that circumstance.

I remember many years ago coming across a situation where a married man decided ultimately that he should have been a female, and he proceeded to have a sex change operation. As I understand it, the process actually involves a considerable amount of time because normally there is psychiatric assessment, then there is hormonal treatment and all sorts of other things that go on before any actual surgery in that regard, but somehow this chap had come through the system without anybody bothering to ask him about his marital status, and he was still married.

That created a very interesting legal situation, and I am sorry to say that the solicitor with whom I worked on that particular issue and I were never able to come to any satisfactory conclusion about the status of that marriage.

The Hon. M.J. Atkinson: Alas, the Federal Court has had something to say about that recently—for the worse.

Mrs REDMOND: The Attorney says that the Federal Court has had something to say about that recently, but I am talking about 25 years ago. It was certainly a novel situation at that stage, and I am sure that it would rarely happen that someone would actually get right through the system without anyone asking the question about marriage and stopping to think, 'Well, maybe there is a complication with this,' because we end up with two people who are lawfully married and the marriage laws recognise it and yet they are both female and we know that in this country that is not recognised.

The other situation I came across was at what was called the PETS seminar, the Presidents Elect Training Seminar, when I was about to become the president of my Rotary club in the year 1999-2000 and, quite frankly, I got the giggles at this particular thing. By way of background, I will explain that Rotary International began in 1905 in Chicago with a lawyer by the

name of Paul Harris and a group of other people in Chicago starting a club which rotated its meetings from one home to the other—hence, the name 'Rotary'.

That organisation had been a male-only organisation until about 1986 or 1989 and it was thereafter changed at an international level to allow women to become members, but there were a number of men-only Rotary clubs which had been in existence for many years which were extremely resistant to the idea of having female members.

Indeed, my own club was extremely resistant to the idea of having any female members. It took them five months to decide that they would invite me to become a member, and I am still a member 15 years later. What is more, I am not the only female member any more and female members are very welcome these days. I do not know of any Rotary clubs in this country, anyway, where female members are no longer welcome. However, back when I was in my training seminar to become a president of Rotary, a couple of things happened.

First of all they said, 'Being president of your Rotary club has to be your number one priority' and I said, 'Well, no, I have three children—they will be numbers one, two and three in no particular order—and a husband. He'll be number four; he is a bit more capable of looking after himself. I do have a job and I'm the breadwinner for the family so that's going to be number five and I've been on the hospital board in Stirling for a long time so that better be number six.'

I had about seven or eight different things that I said would take priority and, if they were not satisfied with Rotary being somewhere at about nine or 10 on my priority list out of all the numerous things that I had to do then I was not the right person to be their president, but they decided that they would let me get away with that.

However, relevant to this, they then told a story which—because there were no other women there, I suppose—no-one else in the group found funny. One of these Rotary clubs that had an absolute set against having female members happened to have amongst its members a man who decided that he had been born in the wrong body and he should become a woman.

He was already a member of this club and, as the weeks wore on, he began to acquire some unusual characteristics. Eventually, he began to wear a dress to the meetings. Of course, this Rotary club was quite horrified that it suddenly this person amongst its members. They had no basis for terminating his membership, but they certainly did not want women in their club, and they were perplexed.

This was a proposition in relation to some of the problems that could arise for a president. When I started to laugh at the club's predicament, no-one else seemed to think it was very funny. I think it is a funny because I think that I am fairly relaxed about such things. I know that people who describe themselves as transgender or transsexual or who think that they have been born into a male body when they feel they are female, or the reverse—a female body when they feel they are male—are not in any way behaving like that because they want to do so. They are doing it because of an inner drive that often takes them many years to deal with.

At the end of the day, I do not think that anyone can be blamed for following their heart, their soul or whatever terminology anyone wants to use; what they truly believe themselves to be must be the primary determinant. So, I do not have any difficulty whatsoever with the provisions of this legislation applying to the issue of chosen gender. I think it is inappropriate to discriminate generally against anyone, and I certainly support and endorse the idea that those of chosen gender should not face discrimination on the basis of that chosen gender, be it for any number of reasons, such as employment or provision of goods and services and so on.

However, there is a slight twist to all this when we get to the end of the discussion and the issue of sports clubs and so on; suffice to say, I have no difficulty with it. As I understand it, the provisions in regard to chosen gender are the same as those in the 2006 bill. In that bill, as in the current bill, the Liberal Party, had a conscience vote, so it is not an issue over which we sought to negotiate any change with the government because it was, and probably always will be, a conscience vote for those of us on this side of the chamber.

The next major issue is religious dress or adornment. This is a somewhat puzzling matter for me because, in essence, what the law is designed to say is that it will be unlawful to discriminate against someone, in employment or education at least, on the basis of their religious dress or adornment but that it will not be unlawful to discriminate against them on the basis of their religion.

Again, I indicate that this is a conscience vote for those on the Liberal side of the house; therefore, the following comments are mine and not those of my party. It strikes me as particularly perverse that we would put into our legislation that it is unlawful to discriminate against someone because they are wearing a crucifix but that is not unlawful to discriminate against someone because I say, 'I hate Muslims, I hate Jews', or I hate whomever.

As I said, that seems perverse. It would make more sense for it to be just as unlawful to discriminate against someone on the basis of religion as it is to discriminate against someone on the basis of religious dress or adornment. Of course, 'religious dress or adornment' can incorporate any variety of things. It can be anything from a small crucifix to the full Muslim dress of the hijab.

The Hon. M.J. Atkinson: You don't see many of them up in the Hills.

Mrs REDMOND: The Attorney is right: we do not see many of them up in the Hills, although in Stirling it would probably be a very sensible mode of dress in winter because it would probably be much warmer than what most of us wear up there.

The juxtaposition of those two propositions seems to be problematic; that is, I can lawfully say to someone, should I so choose (not that I would), 'I hate Muslims, and I'm not going to give you a job because you're a Muslim and for no other reason.' That is perfectly lawful, even if they are by far the best person for the job and everything else is equal.

However, it would not be lawful for me to say, 'I don't approve of the way you are dressed because you are wearing a crucifix, and I'm not going to give you a job because I do not like people who wear crucifixes; if you want to wear that, you can't have this job.'

That seems to me to be inconsistent. The bill does provide some exceptions to this provision, so there will be some circumstances where a person can be required not to wear particular religious dress or adornment. So, for instance, a religious school—say, a Catholic parish school—could require that students who are Muslim not wear their Muslim dress to the school. As I understand the provisions, there is nothing to prevent them from therefore prohibiting the Muslim from attending the school, should they choose to do so, but the exemption means that they are allowed to stop them from wearing Muslim dress to school.

The Hon. M.J. Atkinson: Which they probably wouldn't.

Mrs REDMOND: As the Attorney says, they probably wouldn't, but the Attorney and I have both had teenagers, and we know only too well that sometimes teenagers can be just as perverse as their parents and can decide to test the limits on any number of issues. Whilst when I was at school it was long hair and things like that, it has become somewhat more diverse these days.

So, schools are going to remain at liberty to forbid students who belong to a different religion from wearing their particular religion's adornments at the school. Similarly, if a young Christian were to go to the Islamic College of South Australia, whose bus I see travelling up the freeway quite frequently—

The Hon. M.J. Atkinson: There are two: the Islamic College at West Croydon and the other is Burc College at Gilles Plains, and a Turkish husband and wife from Murray Bridge each drives a bus to the different schools.

Mrs REDMOND: The Attorney is well informed about the Islamic faith in Adelaide and informs me that there two schools. I have seen a bus (I do not know whether it is one or more) quite full of students going up and down the freeway at various times.

So, should a Christian student go to an Islamic school, then the Christian at that school could be barred from wearing a crucifix, should the school choose to bar that. That is the first exception to the rules about religious dress or adornment.

The second exception is that employers may set reasonable standards of dress for their workplace. It will be obvious that there are many workplaces, particularly industrial workplaces, where certain clothing would simply be unsuitable for the type of work to be done, particularly around machinery. I remember many years ago acting in a very sad case with a young widow whose partner had been killed. He was choked to death simply because he was wearing a shirt. The shirt ends were flapping out and they were caught in an augur at a mining site, and he was choked to death. So, dreadful, dreadful accidents can happen, and sometimes they can be because of the type of workplace.

We are all aware, for instance, of the need to have hair tied back in numerous places. So, employers may set reasonable standards of dress for their workplace. I will be exploring this, however, as well when we come to the committee stage, and I am sure the Attorney is looking forward to the committee stage of this bill, and there will be issues about what are reasonable standards. As I said, I have no difficulty personally with it. Reasonable standards in an industrial sense I think will be easy to identify. But what if a café proprietor, for instance, thinks that someone wearing full Muslim dress will be a bit off-putting for his customers? Is it reasonable in that circumstance for an employer to say, 'I don't want you to wear that particular clothing in this workplace. There is no safety issue, but I think that will be off-putting to my customers.'? Is that a reasonable standard of dress?

I think, for instance, if an employer were the proprietor of a café in Adelaide rather than on the Gold Coast or somewhere like that and an employee turned up to work in a bikini, it might be reasonable for an employer to say, 'That is not a reasonable standard of dress for this employment.' That, obviously, is not captured by the question of religious dress or adornment, but I raise it simply by way of example to ask how we will determine what is a reasonable standard of dress for the workplace.

Again, calling on my many years of experience from the 32 years ago today when I became a fully-fledged member of the profession, I remember a case with a professional firm which decided that one of its employees, who was a perfectly good employee—a middle aged lady; there were no problems with her—was a bit frumpy and did not fit its corporate image because of her dress, and it wanted snazzy youngsters who fitted its corporate image. We had this big question whether it was lawful to discriminate against someone—they would not renew her contract, and they made it quite clear that that was the only reason—because they were a bit of a frumpy dresser.

There was no issue of safety, propriety, modesty, or anything like that. This lady was perfectly clean, well-groomed, but they considered that she was a bit frumpy and therefore did not sit nicely with their new young corporate image. Would that be reasonable standards of dress for the purposes of this legislation? The question I would ask is: is it going to be reasonable for a cafe proprietor to say, 'Well, I don't think that my customers are going to feel comfortable with someone who is in full religious garb of whatever religion it might be.'

The other exemption to this discrimination provision on religious dress or adornment is that a person may be required to show his face for the purpose of reasonable identification. I think that this has come into the bill because of the proposed amendment by the member for Fisher during the debate on the 2006 bill. As I said, the committee stage never got beyond the stage of consideration of clause 1, but I am pretty sure, from memory, that the member for Fisher had submitted a proposal to the effect of what now appears in the bill; and that is, 'a person may be required to show his face for the purpose of reasonable identification'.

We are all aware, for instance, when we walk into a bank of the requirement for cyclists to remove their helmets, and I think we are all quite used to that. This provision will make it lawful for a bank to put the same requirement onto a person who is wearing a face covering headdress so that there can be reasonable identification within the premises of a bank. The fact is that, internationally, there have been cases of men disguising themselves as women by wearing full Muslim dress.

The Hon. M.J. Atkinson: There have been cases of men disguising themselves as nuns.

Mrs REDMOND: The Attorney says that there have been cases of men disguising themselves as nuns. As I said, those are all reasonable exemptions to this. I still find the provision itself to be odd. Not that I object to the provision, just that I find it odd that it will be lawful to discriminate against someone on the basis of his religion, but not lawful to discriminate against someone on the basis of his religious dress—

The Hon. M.J. Atkinson: You know what you can do: you can move an amendment.

Mrs REDMOND: —unless it comes within (a, (b) or (c). As the Attorney suggests, I am free to move an amendment. My recollection is that, on the last iteration of this bill, the member for Mitchell moved such an amendment. As I said, it will be a conscience vote for those of us on this side of the chamber.

The Hon. M.J. Atkinson: So, the whole thing will be a conscience vote—every clause.

Mrs REDMOND: No. So far, of the matters I have discussed, Attorney, I have identified two clauses, and this is one of them on which there will be a conscience vote.

The Hon. M.J. Atkinson: So, what of the other clauses? They're party votes.

Mrs REDMOND: Yes.

The Hon. M.J. Atkinson: I thought you didn't have party votes.

Mrs REDMOND: The Attorney says he thinks we don't have party votes, but we do, obviously. The next issue which I see as a major change from the previous bill of 2006 is that there has been a broadening of an existing ground of discrimination. At the moment, it is unlawful under the Equal Opportunity Act 1984 to discriminate against someone on the basis of marital status. The proposal under the new bill is quite straightforward really. All it does is broaden that ground of discrimination to include domestic partners as defined in the domestic partners reforms of 2007, and it makes every good sense that we should, in putting this bill through, incorporate that new concept.

I come at this issue from two basic positions. I have no objection to it whatsoever in the form that it appears and, indeed, I can tell members that I was the subject of discrimination on the basis of marital status many years ago when I was seeking finance for my first home, which I bought when I was 21 and I certainly was not married. I had not even met my later to be husband, but I bought a house. While the Labor Party might thank me, the Liberal Party wants to put a knife in me because I sold the house to Frank Sartor. Frank Sartor thereby became involved in a residents' action group. Thereafter, becoming the mayor of South Sydney council, which then amalgamated with Sydney council. He went on to become the Lord Mayor of Sydney and is currently the planning minister in the Labor government in New South Wales—and it is all because I sold him my house.

While people on the other side might thank me for that; that is, for getting him involved in politics—mind you some people on the other side might not thank me for it. Indeed, I spoke to some Labor members in New South Wales a week or so ago and they did not thank for me for it. In fact, I saw Frank while I was in Sydney last week. He bought my house—

The Hon. M.J. Atkinson: So, is he going to become premier or is he going to leave Rockdale?

Mrs REDMOND: The Attorney-General wants to know whether is he going to become premier or is he going to leave Rockdale. I do not know that the two are necessarily mutually exclusive.

The Hon. M.J. Atkinson: They are; he is the member for Rockdale.

Mrs REDMOND: Yes, I know, but I do not think that precludes him from being the premier.

The Hon. M.J. Atkinson: No, it's not what I'm saying. Is he going to move up to the premier or is he going to give up politics and cause a Rockdale by-election?

Mrs REDMOND: I don't know. The house that I sold him was not in Rockdale. The house that I sold him was in Newtown, or, as I used to call it, Newtown Heights, which made it sound a little bit upper class, when, in fact, it was a slum at the time. I do not know that it matters where that house was, but nevertheless I am to blame for Frank Sartor entering politics.

As I said, I have been the subject of marital discrimination on the basis that when I tried to buy my first house I was single and the bank would not lend me money and thereafter, indeed, when I tried to buy the next house by then I was married and the bank would not lend me money because I was now married and therefore I was going to have children. So, twice I have had that discrimination.

Indeed, I suspect that of those members in this house I have actually suffered a fair bit of discrimination over the years. I was denied my career at first by my own mother, because I wanted to study law. The member for Bright looks questioningly at me about this but, yes, when I was about 15 or 16 my screaming battles with my mother were because I wanted to study law. A generation later, people cannot conceive that if you have a daughter who is quiet, studious and academic, wanting to study law, that would be anything other than a good thing.

Ms Fox: What did she want you to do?

Mrs REDMOND: My mother wanted me to be a nurse or a teacher, because my mother had been denied her education because of the Depression and she was aspirant, in the sense that she wanted me to finish high school and go on to have some sort of career, but her aspirations certainly did not extend to going to university, because no-one from where I grew up went to university. We did not even know any lawyers. So, being a lawyer was something that was just unthinkable to her. In due course, once I was about halfway through my night-time course, she became very proud of the fact that I was studying law, so it was never an issue between us after that.

Then an assistant crown solicitor in Sydney, one Arthur Knox, now deceased, said to me quite blatantly, in my young days before I graduated, 'I don't think women should be lawyers, and if they are going to be lawyers I'll make sure they do nothing but conveyancing.' Indeed, even in getting in to the course that I undertook, having been good enough to be admitted to Sydney University Law School and to the brand new University of New South Wales Law School, I was unable to take up those places because of the financial circumstances pre-Whitlam getting rid of the fees for university, so I went to a second-rate night-time course.

When I applied to go into that course I was initially denied entry into it and it was only when I went through my local member of parliament and inquiries were made that I was then admitted to the course. I subsequently found that a lot of young men in that course had literally half my pass mark but they got in to the course on their very first attempt because they came from good schools and good families.

So, as I said, I think that in talking about discrimination I probably come from a position where I have—in spite of my good health and no particular problems in my life—understood what it is to be discriminated against and how unfair it is to feel that edge of discrimination.

The Hon. S.W. Key interjecting:

Mrs REDMOND: That is right. The member for Ashford talks about the height requirement. Indeed, there were height requirements in those days. You were not allowed to be too short or too tall or left-handed if you wished to enter the teaching profession.

Ms Fox: No!

Mrs REDMOND: The member for Bright is so young she does not remember these things.

The Hon. S.W. Key interjecting:

Mrs REDMOND: Indeed, you could not be a married woman. You could not be left-handed. To the point where my history teacher, with whom I still correspond, writes left-handed in books but wrote right-handed on the blackboard because you had to write right-handed lest you might infect young minds with writing with their left hand. Of course, writing left-handed was a no-no as well. So, all the poor children who were naturally left-handed had that slapped out of them and that was how school was.

So, you were not allowed to be too short, too tall, left-handed or a married female, you could be a married man but you were not allowed to be a married woman, to be in the teaching profession.

The Hon. M.J. Atkinson: So, how tall are you?

Mrs REDMOND: How tall am I? I am five foot two, eyes of blue, Attorney. So, in that sense I say bravo to this long-awaited extension, not just about marital status but the broadening to domestic partners. That said, however, I still say that the broadening of domestic partners has taken us to the other end of the spectrum where it is a nonsense, so that my 25 year old son, should he leave home and flat with a mate for three years, could be, and would be, deemed to be a domestic partner. Therein, I still say that we took it to the nth degree and it was all to avoid the issue of homosexual couples.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: As the Attorney reminds the house, it was the Lion of Hartley, and indeed it was the former member for Hartley who came up with the proposal of recognising domestic partners even though they are not in any sort of relationship other than that they share the same dwelling, as a way to avoid having to give recognition to same-sex couples.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: I did on that particular issue. We had a conscience vote. The Attorney does not realise that I am actually quite a liberal Liberal, with a small 'l'. I have no difficulty at all with the extension of marital status to include domestic partners, other than that longstanding issue where I think we just took it a degree too far, more than was necessary. We should have just said that we will recognise heterosexual couples and homosexual couples. That is as I would see it.

I do have one letter, and I want to quote from it. No doubt all of us have had countless people contact us about this. I will not name the person. I received this particular document which essentially complains. It states:

> Many gay and lesbian couples, including HIV positive people in a same-sex relationship on income support from Centrelink will be severely financially affected by the changes in federal law coming into effect in July 2009.

It goes on to say:

> While there are many benefits to same-sex couples as a result of the changes in law, those on Centrelink benefits and previously viewed as individuals, and paid as such, will lose $190 a fortnight when paid as a couple.

Welcome to the world of equality is what I say to that. During the domestic partners relationship debate, I tried to point out to the house that it was not just about giving gay people rights: it was indeed imposing on gay couples, just the same as on everyone else, the same obligations. I recall talking at the time about obligations of disclosure in relation to company loans and so on which did not apply if your partner happened to be gay but did apply if you were married or a heterosexual de facto couple.

I think equality cuts both ways. I have no difficulty at all in according gay couples the same rights as everyone else in the community, but I have to say that, in my view, with that must go all of the obligations that go with every other couple. So, in many ways, our failure to address the issue earlier simply allowed gay couples to have a benefit that no-one else in the community was able to have.

Years ago, I used to advocate the idea that it would be smarter not to be married if you were in receipt of a pension, because two single pensions clearly equated to more than a couple's pension—and it still does—but these days that has been well and truly covered over. However, it is only now that we see Centrelink signs around indicating that every couple is going to be treated as a couple that the full effects of this particular change is going to be understood by everyone to mean true equality.

The next issue is the onus of proof. When I say 'the next issue', it is in the next issue that I have identified in going through the 2006 bill and comparing it with the 2008 bill. The 2006 bill proposed that, in the case of indirect discrimination, it would be up to the employer to prove the reasonableness of the requirement. I will use the example that I used before the dinner break where an employer sets a height limit on a particular job and says, 'We're only going to employ people over six feet tall,' to use the old money, because I have no idea how tall that is in centimetres. Indeed, whenever I hear on television about—

The Hon. M.J. Atkinson: An alleged offender.

Mrs REDMOND: —an alleged offender, and they say that he is—

The Hon. M.J. Atkinson: Look out for a person who is 186 centimetres.

Mrs REDMOND: As the Attorney says, when they say 186 centimetres, I have no idea whether that is a dwarf or a giant. It just does not compute with me. If they said six-foot tall, I would know what they were talking about. Six-foot tall and slim—yep, I know what I'm looking for.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: There was no accident there, Attorney. Under the 2006 bill, if an employer imposed that six-foot tall restriction, for instance, and a female who was five foot nine (or some gracious height like that) came along and wanted the job but was told that she could not have the job—whether she was told directly because he was discriminating against her or because she was a female and he wanted to keep females out of the workplace so he set this ridiculous provision—it would have been necessary for the employer to then prove on the balance of probabilities that the requirement was reasonable.

There could be circumstances where height is, indeed, necessary to do particular jobs. It could be because of the job or because of the equipment that has to be used. There may be strength requirements with a job. There could be all sorts of legitimate reasons, but the current

act—the Equal Opportunity Act 1984—simply provides that the discrimination, if it occurs, is unlawful and it is up to the complainant to establish that the discrimination occurred and that the requirement imposed by the would-be employer was unreasonable. I am pleased to see that the government has seen the good sense of that and left that provision as it was; that is, there will be no change, as I understand it at least, from the provisions in the 1984 act on the issue of the onus of proof so far as indirect discrimination.

The next notable difference between this bill and the 2006 bill is probably the most controversial, and that is the right of religious institutions to discriminate on the basis of sexuality. The current legislation—

The Hon. M.J. Atkinson: Is this a conscience vote in the Liberal Party?

Mrs REDMOND: The Attorney asks whether it is a conscience vote in the Liberal Party. I indicate to the Attorney that, yes, it has been determined that it will be a conscience vote for the Liberal Party, therefore the views expressed on this issue henceforth are my views, not those of the party.

The present legislation is relatively broad. It allows any religion-based institution to discriminate if the discrimination accords with the precepts of the religion. So, most commonly, it is thought of in terms of people who may have a sexual preference not in accordance with the precepts of the religion.

The Hon. A. Koutsantonis interjecting:

Mrs REDMOND: The member for West Torrens suggests that only I would be talking about this. The member should have been here the day the Attorney and I were dealing with the niceties of what constitutes consent in rape cases: that was a very delicate stepping through of a discussion. As I was saying before the member for West Torrens interrupted me briefly, the right of religious institutions to discriminate on the basis of sexuality is most commonly a problem for religious schools that have a view that homosexuality, or at least living a homosexual lifestyle, is against the precepts of their religion, and they do not want to have people engaged in their organisations because of that difference between the homosexual person and the religious organisation.

The current provisions apply to all religious-based institutions; that is, such things as schools, hospitals and aged care facilities. The current bill reduces that exemption so that it will apply only to schools, and the schools will have to meet certain criteria for the exemption to apply. In particular, the school will require a written policy to that effect, and that policy has to be made available. I think in one proposal, it was necessary that the policy was available on the internet, and that has now been removed.

The Hon. M.J. Atkinson: What do you say about that?

Mrs REDMOND: I am quite comfortable with that. I have had a long discussion with the Association of Independent Schools. I have received a letter from that association in relation to its position on this issue. As I have said, I suspect that this is the most contentious aspect of the whole debate. I will turn first to the other group. I have had an approach from Christian Schools Australia, and that organisation basically points out, as follows:

> Currently, section 50(2) of the present law broadly provides an exemption for an institution that is run in accordance with the precepts of a religion. Such an institution can discriminate in its administration on the ground of sexuality if that discrimination is founded on the precepts of the religion. This applies both to the employment of staff and the provision of education and reflects the importance of religious freedom and its foundational role within faith-based schools.

Christian Schools Australia then goes on to talk about the fact that the proposal is basically to remove the exemption (I do not think it actually removes the exemption; I think a better way to put it is to say that it narrows the exemption) and replace it with a modified exemption in relation to the employment of staff. My recollection is that the employment of staff must be only in the schools. It means that the discrimination cannot lawfully occur, for instance, in terms of an openly gay student or an employee in a hospital or an aged care facility. So, it does narrow the scope of the definition. In its letter to me, the South Australian state office of Christian Schools Australia (and I thank that office for taking the time to write to me quite extensively about this matter) states:

> As a result of these changes, a school would potentially be in breach of the legislation if it were to provide moral teaching consistent with the values of parents in the areas of sexuality, chosen gender, marital status, etc., given the broad ranging definition of detriment in the act.

In bold, it goes on to state, 'This very clearly strikes at the heart of a faith-based school.' Christian Schools Australia goes on to put its argument on the basis that the teaching within the school incorporates not only the formal curriculum but also the modelling provided by teachers and student leaders.

As I understand the situation, because the exemption will apply to the employment of teachers, the schools would maintain control over that aspect. During the briefing, I think there was some discussion about what the school would do if it had already employed a teacher before it had published this policy. One can hardly unilaterally change a contract, whether it be a contract of employment or anything else. If a school decides that, because of this legislation, it will now adopt a policy, which it has written and put on its website and so on, but the school has already employed, unknowingly perhaps, a teacher who is openly gay or has employed someone not only without the school knowing them to be gay but without that person being prepared at that stage to confront that issue themselves and later declaring themselves to be gay, where does that leave the school in terms of this legislation?

Even though there could be a breach if they were to discriminate, presumably there could be an action for breach of contract were they to dismiss someone who had not been engaged specifically on the basis of an assurance that they were not gay but had just been engaged before those things were ever an issue.

However, the argument that Christian Schools Australia basically wants to put is that it is just as important for them to maintain their right to discriminate against an openly gay student. When I say openly gay, I am using that as a term simply because there could be people within the school who are gay but the school never finds out, and I am talking about circumstances where the school actually becomes aware that not only the student is gay but other people are aware that that student is gay.

They want to argue basically that they want to maintain the right to discriminate against gay students because of the student leaders often having a mentoring role to younger students and being able to provide important peer role models, which they say has equal if not greater influence on students than school staff. Again, I am using gay students only as an example because it could be some other sexuality that is problematic for them.

So, they feel that the narrowing is too great and that this legislation should remain broader. They say that—and I agree with this—overwhelmingly, Christian schools seek to pastorally care and support students within their situations; however, on some occasions though, this process does not lead to positive outcomes and the students continue to act in ways inconsistent with the normal school requirements. The school must be permitted to act in accordance with its normal policies in these situations.

My view—and the Attorney has been calling across the chamber what is my view—is that the proposed legislation is getting the balance about right, and I do not accept the argument of Christian Schools Australia. As I said, it is my view and not the view of the party or other members of my party. However, it seems to me that if a student is behaving in a way which is so openly problematic to the school, there will be other mechanisms to deal with it.

I know that when my children were at school—and, indeed, when I was at school—there were all sorts of rules and regulations about agreeing to wear the appropriate dress, not having particular hairstyles and all sorts of other things. Schools had the right to deal with those issues and they do not lose any of those rights by virtue of this legislation.

I also had a meeting with the Association of Independent Schools and they were relatively happy with the eventual decision and the proposal that it would not be necessary to publicise the policy of the school broadly as long as the school had a written policy, so they did not have to necessarily put it on their website because you do not have to put all your occupational health and safety and all your other policies on a website, so why should you have to put that particular policy on the website?

My recollection is that the bill actually requires that the policy not only be written but be made available upon request and that it be lodged with the Commissioner for Equal Opportunity. I think that that probably gets the balance about right, and I do not agree with the view of the Christian Schools Australia (South Australia) office who argue that basically the act should stay as it is.

I rely largely in my views on this on information obtained from the current commissioner because I do not actually think it is an issue that is problematic for many places. It is a bit like the old Groucho Marx saying—'I wouldn't want to belong to any club that would have me as a member'—only in reverse. Most people who want to lead an openly gay lifestyle are not going to aggravate themselves by seeking employment with an institution that is adamantly opposed to those who lead an openly gay lifestyle.

So, it seems to me that it is probably going to be far more problematic for us as legislators than the real world out there is going to make it because most people are not going to apply for jobs. Most parents of an openly gay youngster, for instance, are not going to likely keep that youngster in a school where that youngster may be harassed in any sort of way because of their sexual preference.

I do not see the current proposal as a problem. As I said, I rely on information to the effect that, as far as we know, there have not actually been cases of people employing a gay doctor in hospital or a gay nurse in an aged care facility or something where that has been a problem and there has been an issue brought to the equal opportunity commissioner's attention. My view is that we probably got it about right.

Interestingly, I also had a letter from Sean Cary, President of the Youth Affairs Council of South Australia (YACSA), which is the peak body representing the youth sector and young people in South Australia. With no offence to Sean, I am not sure how many young people actually know of the existence of YACSA or have anything much to do with it but, nevertheless, I accept that it is the only formal voice through which youth can make its views known other than by individual approach.

He says that YACSA largely supports the amendments to the Equal Opportunity Act, particularly the section that prohibits discrimination by religious schools to their students or potential students on the basis of their sexuality. Sean, quite correctly, I think, goes on to state in his letter:

> Same-sex attracted young people can face isolation, fear of bullying and depression as they come to grips with their identity. They are more likely to experience difficulties at school, homelessness, higher rates of drug and alcohol use, mental health issues, family conflict and are at significant risk of self harming or suicidal behaviours.

He goes on to point out that, in fact, if that ain't bad enough in the city, it's even worse in the country. He says these young people do not need the additional fear of being expelled on the basis of their sexuality and I agree with what he says although, as I said, I really do not think that it is going to be as problematic in practice as we are considering that it might be. He then goes on to say that YACSA believes that the amendment should go further:

> If the amendment allows gay and lesbian doctors to work at a church-run hospital, why can't a gay or lesbian teacher work at a religious school? Whilst the government has stated its belief that gay and lesbian teachers pose no greater threat to children than those teachers who are heterosexual—

and that is a view that YACSA strongly endorses. YACSA thinks that the amendment should actually be extended so that it does not even cover the employment of teachers in religious-based schools. The letter goes on to say:

> Same-sex attracted young people require role models in dealing with the challenges that discovering their sexual orientation poses.

So, YACSA, in fact, put in its letter virtually the exact reverse of what the Christian schools put in theirs and, indeed, we have quite a number of lengthy submissions, and I will come to those in a moment.

The bill, I think, now very much accords with the view that we took during the negotiation process where we were trying to come to agreement on the 2006 bill on this issue at least. That aspect is covered, I think.

We can then move on to sexual harassment in schools and, again, I indicate that this is a conscience vote—the next two will not be, but this one is—for those on the Liberal side of the chamber and therefore the views being expressed hereafter on this issue are mine rather than those of the Liberal Party.

This issue goes back to the recommendations of Brian Martin QC when he reported on the legislation in the 1990s. Members will recall that Brian Martin recommended that the provisions in relation to sexual harassment should apply not just to adults but to high school students over the age of 16. In the 2006 bill, the government sought to lower that. Rather than inserting the Martin

recommendation, the government wanted to make it applicable to all students who were at high school.

That seemed to me to be an unnecessary imposition because we all know that students can be at high school as young as 12 years of age and, although the government felt that it had put sufficient protection in the earlier bill for those younger students, it still seemed to me self-evident that 12 was too young to impose the sorts of rules that we expect to have, for instance, in workplaces and so on regarding sexual harassment.

From memory, the earlier iteration of the bill actually said that it will apply to all high school students but it will make some special provisions in relation to the high school students. In particular, it will be necessary for the school to have an internal mechanism so that, before any matter can proceed to the tribunal, the school must go through an internal process and allow the matter to be resolved by negotiation within the school and, thereafter, a provision that there could be no award of compensation even if the matter were successfully pursued through to the tribunal stage.

That is all very well, but in the last couple of years I have had a case brought to me wherein a young man was accused of sexual misbehaviour.

The Hon. M.J. Atkinson: In school?

Mrs REDMOND: In school. The matter was pursued with the police. It was not just sexual harassment; it was a much more serious allegation. The young man was in year 12, so he would have been caught by the 'age 16' provisions in the current proposal. In spite of the fact that he was ultimately exonerated, his situation became so stressful that he left school and did not finish year 12. He came from a very good family, and he was a good student. However, for at least a couple of years his life was destroyed by that allegation, even though he was ultimately exonerated.

I think that the current bill gets the balance right and, as I said, that is my view. It applies only at age 16, as recommended 15 or more years ago by Brian Martin QC. It maintains the position that no compensation is payable even if discrimination is found to have occurred. It also maintains the earlier provision from the 2006 bill; that is, a complainant must first go through any procedures for the resolution of such matters within the school's own policies. So, they cannot go straight to the commission.

That will not stop someone from going to the commission ultimately if they still feel aggrieved, but I think that the lack of compensation in that jurisdiction will be a significant disincentive because there will be no incentive for someone to pursue the matter beyond resolution within the school, unless they really feel that they want their grievance acknowledged by the tribunal, as they will get nothing out of it financially; indeed, they may well find that it could cost them. I think that the new provision in relation to sexual harassment in schools, which increases the age to 16, does the right thing and adopts a provision that should have been included before.

Another measure put into this bill in regard to sexual harassment in schools is that of action by a teacher against a student. Particularly given that our students are at school until they are 16, 17 or 18 years of age, there is no doubt that a teacher can sometimes be the subject of sexual harassment by a student. As I read the current bill, it proposes that such an action can occur only in a tertiary institution setting and not in a secondary setting. So, I am curious about whether there is any thinking that, perhaps if there is an allegation of sexual harassment by a student against a teacher in a high school setting, there should not be a provision that that must be the subject of an internal process, just as there is for students generally.

Those two issues are probably the most crucial in terms of the difficulties of this legislation. I turn now to other people who have contacted me in relation to this bill, and I have had some quite extensive emails, letters and submissions. I do not think that I need give the names of all those people for the record, but I give the name of the first whose email I read. It is from David Tennant, and he says:

> I have looked at the new version in much detail and note that while some contentious aspects have been removed from the 2006 version, it still contains many contentious aspects, many of which you criticised in your second reading speech in February 2007 when the 2006 Bill was then before the House of Assembly.

He goes on to say:

> At that stage you indicated that you would be voting against the whole bill, as there were just too many contentious provisions. I believe that while the 'vilification' provision is no longer in the 2008 Bill, there are too many other provisions which are bad law for one reason or another.

He then asks whether we would be voting against it or changing our mind from the many criticisms in February 2007. I think that I have made it reasonably clear, even though I have not finished my comments, that most of the criticisms in my speech were directed not towards the issue of religious vilification and freedom of speech but towards the issues that concerned small business and how it might be affected were this legislation to be taken to the nth degree.

I must say on the record that I have been quite inundated by responses. I think I have replied, to the extent I have been able, to indicate that we have a position on the bill, although there are a number of issues—those touching on sexuality, moral issues and religion—where there will be conscience votes and that it is not within my province as the shadow attorney-general to respond on behalf of my fellow members of the Liberal Party. So, if people have not been made aware of that, I apologise, but we do not have enough resources to write back in detail to people who write again and again and again when there is really nothing further that I can say.

The next note which came in basically looked like a petition, although there was no petition that followed on, at least in the copy I got, but it claimed that the new bill would adversely affect the rights of South Australians in freedom of speech, freedom of association and freedom to practise religion.

The Hon. M.J. Atkinson: Surely they mean 'harm'.

Mrs REDMOND: The Attorney says that surely they mean 'harm', but I do not know what they mean; I am simply quoting what they said. They continue, 'Your petitioners, therefore pray that your honourable house will call upon the state government to support amending of the bill to ensure that those rights are protected', but I did not receive anything with that document which indicated to me the basis upon which they say it will adversely affect the rights of South Australians in freedom of speech, freedom of association and freedom to practise religion.

I then received some other documents, and indeed I have one from Roslyn Phillips as the National Research Officer of Family Voice Australia, and she kindly provided quite an extensive, nine-page assessment of how Labor's 2006 bill is different from the Liberals' 2001 bill. Mrs Phillips says that the 2008 bill has quite a few changes from the 2006 bill, as shown in another document, entitled 'Further changes made to the Equal Opportunity Amendment Bill: How the 2008 Bill is different from the 2006 Bill'.

I will not quote the whole letter, obviously, but Mrs Phillips states that in a media release on 26 November 2008 the Attorney-General's pointed out that the 2006 bill was opposed by both the Liberals and minor parties and that the 2008 version of the bill was the outcome of two years of discussions, and that is correct. There were some very well intentioned discussions which took place over more than 18 months with a view to resolving our difficulties with this bill. To quote Mrs Phillips again:

> Certainly, the Attorney is right in saying that quite a few changes are have been made. However, none of the 2006 Labor proposals listed below have been changed—they are all still present in the 2008 Bill.

I will spend a fair bit of time going through these, because Family Voice represents a significant number of the other people who have also contacted my office, and I do not want to have to go through all of their statements in detail. I think Ros Phillips has done an excellent job of summarising the views on behalf of Family Voice, so I will spend some time looking at what is suggested. The very first thing that is discussed is the issue of red tape.

Mrs Phillips refers to the contribution by the member for Unley about the issue of red tape and the fact that the strategic plan has an aim of reducing red tape by, I think, 25 per cent. She then goes on to give a few examples of red tape which were introduced in the 2006 bill and which remain in the 2008 bill and those are:

- the physical inaccessibility of premises exemption is removed, and there is a further note about that below;
- all schools will have to develop policies against sexual harassment by students, and there is a further note about that below;
- all religious schools would have to place policies regarding employment on their websites, and I think that has now been deleted or is being deleted from the current version by amendment; and
- employers or principals are liable to civil liability arising from a discriminatory act of an employee or agent, and again there is a separate note below.

I do not know how that last one actually creates more red tape, as such, but I accept that the second and third one of those points potentially will make more red tape. Mrs Phillips then goes on to talk about the substantial changes, and I will just go through those in accordance with what she had sent to me:

1. Sexuality discrimination in partnerships is unlawful for all firms

It is proposed that it now be unlawful for all firms to discriminate against a person wishing to become a partner, on the ground of sexuality. Previously, it was only unlawful to discriminate if the firm consisted of more than six members...

My personal view is that it is becoming increasingly irrelevant in any event; there would not be too many firms where there was a problem. Areas such as law where it is still necessary to work in partnerships rather than rather than incorporate would certainly be caught by this if there were fewer than six partners but, in reality, just as I said in the case of religious schools, I do not know whether in practice there will be really an issue here.

If people so object to someone's gay lifestyle (to use that example again), then I doubt very much that that person will seek to be a partner in a firm and I doubt very much, even if they did and they were denied the partnership, that there would ever be any admission that it was because of their gay lifestyle. I think that the reality is that it is not likely to happen very much, but, at the moment, the law says that this discrimination is lawful if you only have up to six partners but unlawful if there are more than six partners. I suppose the thinking at the time was that, if you have a big firm with dozens of partners, then it is less likely to affect the firm in terms of the close working relationship that people might have, whereas in a small firm, it is more likely to be affected.

By way of analogy, in the interpretation of unfair dismissal laws (at least when I first came to this state), for instance, it was often the case that people applied to the industrial court if they felt that they had been unjustly, unfairly or unreasonably dismissed. The application technically was for reinstatement, but the practice of the court was to say that, if you were, say, an employee in a vast retail empire such as Coles or Woolworths, yes, it was easy enough to put you into a different position but at the same level in the same company. So, reinstatement was a reasonable option. On the other hand, if you were an employee in a tiny little cafe or delicatessen on the corner where there was only you and one boss and the relationship had clearly broken down, in any event, then, in those circumstances, it was just a nonsense to seek to order reinstatement because that employee/employer relationship was never going to work.

My suspicion is that in 1983 or 1984, when the original equal opportunity bill was being debated, the same sort of thinking would have prevailed in relation to this aspect and, as a result, this arbitrary number of six was chosen as the reasonable number below which you did not have to comply but above which you do have to comply. I make no argument as to the rationality of its being there in the first place, but it seems to me to be only reasonable that, if you are going to make it unlawful to discriminate against someone in terms of assessing their suitability for partnership, then it is reasonable to say, 'Well, we will apply that to all partnerships, not just to partnerships of a particular size.'

Ros Phillips' second item is 'private household exemption deleted'. The provision which exempts the chosen gender and sexuality discrimination provisions from employment within a private household is deleted and the private household exemption is also deleted for other grounds—race, disability, age and some other new grounds that are introduced by section 60. If it is the case that Mrs Phillips' reading is correct, then I do have some problem with our legislation, because if you are going to employ someone in your private household, that should be entirely up to you. I imagine that, in practice, it will not be an issue because most people will not say, 'I'm not going to employ you as my cleaning lady or my ironing lady because of your sexuality.' They will simply not saying anything. They will just not offer that person the job.

I suspect that, in reality, it will not be a problem in practice. However, I do take the point that, if Mrs Phillips' reading of this particular aspect is correct, that is problematic, because I can see no reason why, in this state, we should legislate over private households in ways which we have not legislated before.

Her third item is the genuine occupational requirement exemption for sex extended to chosen gender and sexuality. The exemption that allows discrimination on the ground of sex, if it is a genuine occupational requirement that a person be of a particular sex, is extended to discrimination on the grounds of gender and chosen sexuality if it is a genuine occupational requirement that a person be of a chosen gender or a particular sexuality. I do not see why that is a

problem. We are talking about an exemption, so we are allowing discrimination on the ground of sex and, as I read it, this will allow discrimination on the ground of sex, chosen gender or sexuality. I do not see that that is a problem.

The fourth item that Mrs Phillips deals with is that general religious exemption is replaced with a narrower exemption only applying to schools. Of course, I discussed this at some length earlier. In her submission, Mrs Phillips says that the general exemption in the current section 50(2) which allows religious, educational or other institutions to discriminate on the ground of sexuality in the course of administration of that institution is deleted—which technically it is, but, in fact, it is narrowed. A much narrower exemption is proposed in the employment specific exemptions. Although the new exemption would also apply to discrimination on the ground of chosen gender, it would only apply to educational institutions and it would only apply to discrimination in relation to employment or engagement, that is, she says, the hiring of teachers.

My reading of it is that it is slightly wider than what Mrs Phillips is suggesting. I agree that it is narrower, I agree that it only applies to educational institutions, and I agree that it only applies to employment or engagement, but I do not think that that is restricted to the hiring of teachers. For instance, I think that could be inclusive of the hiring of maintenance, ground staff, teacher assistants, counsellors and all sorts of other people. Then she goes on to talk about the requirement to lodge a copy of the policy with the Equal Opportunity Commission and to make it available. I will quote again from her submission:

> Although under the 2008 bill it is proposed that schools no longer have to lodge such a policy with the Equal Opportunity Commissioner, it would still have to put it on its website.

My recollection is that the current situation, or at least the position adopted by the Association of Independent Schools, whose document I have not turned up yet, is that it will not be required to go on a website, just like everything else does not have to go on a website. A school can put appropriate information on a website but does not have to put every detail of every policy that it has or anything like that on its website. The fifth item in this submission is:

> Religious exemption for religious bodies is not available for marital status discrimination.

So, although the section 50(1) exemption is left intact, only subsections (a) and (b) are proposed to apply to discrimination on the ground of marital status. This is because discrimination on this ground is moved to a different part of the act and the equivalent of section 50 and part 3 is not in the new part 5B, but it does not apply the exemption which applies generally to any body established for religious purposes, that is, any body as in a hospital, aged care facility or whatever.

I think that is the correct interpretation, that the exemption has been narrowed so that it is only applicable to schools and not to other religious-based bodies. As I said, I do not think that that, in practice, has ever been utilised in any event, at least so far as my recollection of the original discussions that I had with the Equal Opportunity Commissioner. Item 6 in this submission is:

> Religious exemption is only available for marital status ground and no other new grounds.

The submissions states:

> Furthermore, not only is the proposed new section exemption more limited than section 50, it also only applies to discrimination on the ground of marital or domestic partnership status. It does not apply to the other grounds of discrimination introduced by the proposed new part 5B, such as identity of spouse, association with a child, caring responsibilities or religious dress and appearance, and it does not apply to pregnancy discrimination, as the current act does.

Again, I think in practice it will not make any actual difference, but I will take on board what Mrs Phillips has put in that particular aspect. Her seventh point, and it is a topic that I will talk about a bit more later, is:

> Sexuality or chosen gender discrimination by associations is unlawful.

Again, I will quote from this submission:

> Unlike the 2001 bill—

which was the Liberal Party's bill introduced before the 2002 election but never finalised—

> the 2006 bill proposed that it would become unlawful for associations to discriminate against members on the grounds of sexuality or chosen gender. The bill introduced an exemption for associations set up for persons of a particular sex, chosen gender or a particular sexuality other than heterosexuality.

That is a point on which I think I agree with Mrs Phillips because it seems to me, again, a perverse situation that we would establish legislation in this state to say that as a general rule you can have

a gender-specific sports club. You can have girls' netball clubs and you can have boys' football teams and all that sort of stuff—you can have that.

Indeed, I ask Bowls SA to note that you can have that. I was bowling with Uraidla Bowls Club for some years, as well as with the parliamentary bowls team, and Bowls SA seems to be doing everything it can to destroy the game in this state. It seems to have taken this peculiar idea that this legislation, which had not even been passed in any event, in some way prevented girls' bowls teams or men's bowls teams. It does not do that. It has simply never looked at doing that.

I do not think the 2001, 2006 or 2008 versions of the amending legislation went anywhere near doing such a thing, but, notwithstanding that, Bowls SA has decided that because of that we are not allowed to have gender-based bowls teams, and so the bowls team with which I was bowling has gone out of existence. I must say—

The Hon. M.J. Atkinson: Uraidla?

Mrs REDMOND: It was Uraidla. In any event, I was getting too busy with doorknocking and things to keep going, but we had a very good system and the only reason that I was able to bowl was that we had a group of 16, or thereabouts, we only needed eight for each week, so if I was not available because of other commitments then I did not need to feel guilty for letting the team down and making us failures.

As the Attorney says, you get a lot of good rain up there. In fact, some years it was five or six weeks into the season before we got our first game up there because the greens were so wet that they were unplayable. By way of aside, I will tell the Attorney that we were such a poor group of bowlers when we started out that we said that when we finally won a game, which took us three years, we would run the bras up the flagpole, and indeed we did. So, the boys got a signal when they got back to home base after their match away from home and they knew that the girls had finally won a game.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The bras. The point I want to make is that I think Mrs Phillips raises a good point, that it is, to me, perverse that we would make it lawful in this state, for instance, for a group of gay men to have a gays only football team but not allow a group of straight men to say that they are going to have a straight men only team. That just does not make any sense to me. I have said over many years in this place that I think we only have true equality when these issues are not even worthy of discussion. People should be free to form football teams with whoever they want to, and they should not be forced into situations where they have to engage within their team with people they do not want in their team.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney asks me about Glasgow football teams. I have no idea about them, but they are not in South Australia. I am just—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: I am talking about what happens here, and this is about sexuality and chosen gender discrimination. It seems to me to be just as discriminatory to say that this particular group that is perceived to be a minority group is allowed to discriminate against the rest of the world, but this group that may well be in the majority is not allowed to discriminate in exactly the same way. It just seems to me to be a perverse piece of reasoning. So, I think there is some merit in the argument put up in relation to that matter.

The eighth item in the submission by Ros Phillips is that the exemption in relation to accommodation discrimination is changed. The exemption in relation to accommodation on the grounds of sex, sexuality or chosen gender is broadened, and the subsection restricted the exemption to cases where fewer than six people were applying for accommodation, which meant that it was only in very small settings, where there might be a room to let, or a couple of rooms to let, but not in the larger boarding houses, and so on. Mrs Phillips goes on to say:

> However, section 40(3) is arguably narrow as it only applies to a household instead of to a premises. This exemption is also introduced to apply to race discrimination, disability, age and the new grounds that are canvassed later on in part 5B. Furthermore, current section 85L(5)(c) is proposed to be deleted. It provides that section 85L, which is age discrimination in relation to accommodation, does not apply in relation to the provision of accommodation in premises that adjoin premises where the owner of the accommodation, or any person appointed to manage the accommodation, resides if the provision of the accommodation would be subject to the Residential Tenancies Act.

Again, I do not think that it will have a great impact in practice, but I would be very cautious about denying people the right, if they are renting out rooms in or adjacent to their own home, to be free to decide absolutely who can rent them.

The ninth item is proposed changes regarding deposing of an interest in land being deleted. The 2001 Liberal bill would have deleted the current exemptions that allow someone to discriminate against another on all grounds in deposing of an interest in land by way of testamentary disposition or gift; in other words, by will generally. The 2006 bill dropped those changes and—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: Or a testamentary maintenance application.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: Yes. I have to confess that that is one that I have not yet had the chance to—

Members interjecting:

Mrs REDMOND: The member for Schubert will be an old man by the time I finish this piece of legislation.

Members interjecting:

Mrs REDMOND: Dare we think it may have happened already? I think I was at the point of confessing—I thought everyone got excited because I was about to confess, but all that I was going to confess was that I have not actually checked that particular aspect of the submission to tell us whether or not that is included in the 2008 bill.

The definition of 'future disabilities' is the 10th item in Mrs Phillips' submission. She says that section 32(3) would extend the definition of discrimination on the grounds of disability to include disability that may exist in the future. My recollection is that, because the 2008 bill adopts the commonwealth provisions as to discrimination, it probably overcomes that particular problem.

Item 11 of the submission concerns the extension of discrimination against someone because of a characteristic of that person's associate. I think that actually remains in the 2008 bill, and it is one of the things that I have already marked to discuss at some length in the committee stage. It seems to me to be a peculiar provision, and I struggle to think of circumstances where the provision would apply. What it seems to say is that the 2001 bill that we introduced would have made it unlawful to discriminate against someone because of a characteristic of that person's associate. I can understand that we might want to discriminate against someone who turned up with a fully tattooed, fully badged member of the Finks motorcycle gang, for instance, but that sort of discrimination is not what we are talking about. What we are talking about is discrimination within the terms of the act, which is discrimination on the grounds of age, gender, sexuality and so on.

As I have said, I can understand that, if someone came into your place seeking employment with you and it was obvious, because they turned up hand in hand with a biker who looked a bit dangerous, you might not want to associate with that person and therefore you might want to discriminate. However, that would not be unlawful under the legislation. What the legislation talks about is discrimination within the range of things that are covered by the act and then discrimination against someone just because someone they associate with has the particular thing that is being discriminated against.

In trying to think of an example, I thought, 'Why would anyone, for instance, discriminate against someone who was seeking employment because their partner happened to be blind or had some other disability?' I can imagine that the issue of carers' responsibilities might come into it, but that is a separate section. However, I cannot see, for instance, why you would discriminate against wanting to serve someone in a café or anything like that. I do not make any comment one way or the other on the position put by Mrs Phillips in her submission; I simply raise as a question that I still have that I am not certain what the evil is that the amendment seeks to address. As I have said, I cannot think of a circumstance where one discriminates against a person on the basis of someone they associate with having a particular quality, whether it be their chosen gender or whatever.

I suppose, theoretically, it might be possible to say, 'I saw this person coming into work with someone I know to be transexual, and I object to that so much I'm not going to employ this person.'

I just struggle with this whole idea of a person's associate, and it is an area about which I will seek considerably more information when we get to the committee stage.

Item 12 of the submission concerns the fact that both the owner and the occupier of premises are taken to offer or provide services. Again, I suspect that, in practice, it will not make a great impact. I can think of circumstances where it would be unreasonable to impose penalties or obligations on an owner of premises if that owner, for instance, is an absentee owner who knows nothing of what is going on in the premises. Why should they therefore be in any way liable for the actions of the person who may legitimately be the occupier of the premises, pursuant, for instance, to a lease?

Moving away from domestic situations into commercial situations, for instance, very largely, the small businesses in this country are run by people who own the business but lease premises in which they run their business. In some circumstances, I can see that it needs to be the owner of the premises who is responsible for some aspects relating to discrimination, and in most circumstances it needs to be the person who is running the business. For instance, to take a simple example, in terms of the accessibility of premises for people in wheelchairs, clearly, if there were a law that said that you had to make your premises wheelchair accessible, that is something for which the owner of the premises is normally liable, rather than the lessee of the premises. I have no difficulty with the fact that sometimes the owner of the premises will be the liable party.

On the other hand, if the provision concerns a person who feels aggrieved because they have been discriminated against by a person offering employment, even though that is in leased premises, why on earth should that have anything to do with the owner of the premises? I hope that, when we get to the committee stage, the detail of the legislation allows for the fact that there can be an either/or situation, so that sometimes it might be the owner of the premises and sometimes it might be the lessee of the premises. I struggle to think of any circumstances where the discrimination could be alleged against both the owner and the lessee, unless they were one and the same person, which would be a bit unusual. I do not see that it should be intended that someone who is, for instance, an absent landlord should bear any responsibility most of the time in relation to the sorts of things that are covered by the proposed legislation.

The 13th item in the submission is the proposed section regarding 'legal capacity' deleted. As proposed, a new section 83 in the 2001 bill, relating to legal capacity, is no longer found in the 2006 bill. That section provided that nothing in the part, which was the part concerning disability, derogates from the operation of a law that relates to mental incapacity to enter into contracts or to hold property. My suspicion is that might have been deleted simply because it is unnecessary. Nothing can derogate from the fact that, if someone lacks mental capacity—be it because they are simply too young or because they have a mental impairment which inhibits their capacity—there is clear law to the effect that that person does not have legal capacity, for instance, to enter into contracts.

There has been longstanding legislation and common law, for instance, to the effect that a child lacks capacity to enter into contracts at all until a certain age and, after a certain age, they do have some capacity if the contract is a contract for necessities, but they do not generally have the power to enter into contracts for non-necessities.

I await some of the interesting court cases that I am sure are going to come up before too long regarding youngsters purchasing mobile phones and entering into two-year contracts with all sorts of onerous provisions because I think that, for instance, if they had been entered into by a 15 or 16 year old without the seller of the phone being wise enough to realise that that person actually cannot sign a binding contract, they will not be able to enforce the contract and, unless the parents have co-signed it, it will not be enforceable against the parents either. At this stage, I am not too concerned about that particular submission, although obviously it is one I will explore more fully when we get to the committee stage.

The 14th item is the new criterion relevant for establishing what constitutes unjustifiable hardship. An exemption for disability discrimination was proposed in the 2001 bill whereby one could avoid the consequences of some of the impositions about disability provision by finding unjustifiable hardship was involved.

To go back to the example I was using a few minutes ago of a shop owner being required to make available wheelchair access, I remember some years ago, in fact, a case where a group of doctors for whom I acted was very concerned about the provisions of the disability discrimination legislation which appeared to impose on them a requirement that they make their surgery

wheelchair accessible. These guys happened to be quite old-fashioned doctors who did house calls.

So, the reality was that their patients were actually better off because they still went out to the homes of many patients. They provided a service which obviated the need for the patient even to get to them in their wheelchair, let alone get access to the building. Besides, changing a relatively small building so that it could have wheelchair accessibility was going to be prohibitively expensive in terms of the size of the business. That is the sort of thing that the exemption was aimed at in the 2001 bill. What constitutes unjustifiable hardship is always going to be something that is subject to court interpretation, but they point out—and, again, I have to confess that I have not yet checked this against—

The Hon. M.J. Atkinson: When our time together is up, you will have told me about every client you have ever had.

Mrs REDMOND: No, Attorney, it would take much longer to tell you about every client I have ever had. However, I will do my best. The 2006 bill includes a provision that the effect of the disability of the person concerned must also be taken into account. On the one hand, the owner of the premises could claim undue hardship in having to accommodate a certain disability, but on the other hand in the more recent bill the effect of the disability of the person concerned had to be taken into account and, as I said, I confess that I have not checked that particular provision to see what has happened to that in the 2008 version of the bill.

The 15th item in this submission is that the physical inaccessibility of premises exemption is removed. Although the unjustifiable hardship exemption remains substantially the same, there is a new section and the result of it is that the physical inaccessibility of premises exemption is removed. That exemption provided that disability discrimination against a person is not unlawful if a premises (or part of it) is so constructed as to be inaccessible to that person or if the owner has failed to provide disability access to every part of the premises.

I would have to say in terms of disability access, before we go legislating about access to anyone else's buildings, we should think about the accessibility of this building for people with disabilities. I know from visitors that I have had to this place how very difficult it is for people in wheelchairs and on walking frames, for instance, who may have come in for a dinner in the Balcony Room and so on. They find it awkward and some have found it demeaning to have to come in via the alternate access on the lower ground floor and then, if they are going to the Old Chamber, to come up through here and around. It is part of the problem of an old building and I simply say that, before we go throwing stones, let us look at our own situation.

The 16th item in this submission is that the definition of caring responsibilities is expanded. As I said, this is a comparison of the 2006 bill with the 2001 bill, and I think that the proposal in the current bill is probably a pretty good medium position that allows the use of the definition that already binds us anyway in the commonwealth legislation and allows for Aboriginal kinship provisions. Again, it is an area which I will explore further when we get to the committee stage.

I have already expressed my views in relation to the new ground of religious appearance or dress, which is the 17th item in this particular document, so what I am putting here are the views of Family Voice. It says that religious appearance or dress as a ground of discrimination and its definition is completely new. It was not in the 2001 bill. Likewise, all of the exemptions relating to it are also new, and it refers to the exemption for safety reasons and the educational institution. In fact, the new amendment goes further than that and also incorporates the issue of reasonable identification of a person going to a bank and so on.

The 18th item states that employer exemption for pregnancy discrimination is narrowed. The exemption in relation to discrimination arising out of dismissal from employment is narrowed by requiring an employer to first offer a pregnant woman leave. At the risk of boring the Attorney, I will tell him about yet another case in which I represented an employer who had an employee who was pregnant.

The employer was quite happy to keep the employee on at work. There was no difficulty with that except that she did not feel that she had to do any work because of her pregnancy . She was going off to lie down in her office all day or going down to the car for a lie down and all sorts of things. It was in fact an unreasonable way to treat the employer in that case rather than the employer being unreasonable with the employee. They were quite happy.

The Hon. M.J. Atkinson: Of course, your clients were always in the right.

Mrs REDMOND: No, my clients weren't always in the right. I had a client once who was dismissed from a particular employment. I am quite confident that he is dead now unless he lived to about 130 years of age. He was an older chap who had been working at TPI and he was dismissed. He came to me for advice, and I eventually wheedled it out of him. He came in wearing a stethoscope with the end of it tucked into his pocket and said that he was a medico.

It turned out that at the age of 19, he had done one year of university in Queensland and he had been employed by TPI either because they thought he was a doctor and then found out he was not and dismissed him or because he had been employed by them knowing that he was not a doctor and they found out that he was going around pretending to be one while he was going to work there.

I had no hesitation in telling him that he did not have a case. So, I have acted for many people who were not always in the right. I can guarantee the Attorney that in the 32 years since I began practice, I have had plenty of people who had some difficulty in persuading me of the rightness of their claim let alone getting to anyone else.

As I said, the 18th item was the employer exemption for pregnancy discrimination being narrowed. The 19th item relates to the new exemption for associations established for certain people. A new exemption is introduced that provides that discrimination on the grounds of marital status by associations is not unlawful if the association is established for people of particular marital status or for spouses of a particular class.

The Hon. M.J. Atkinson: Parents Without Partners.

Mrs REDMOND: Yes. That is simply a new exemption and I do not imagine that exemptions are particularly a problem. The 20th item is a new exemption for non-profit organisations providing accommodation. Similarly, a new exemption is introduced that provides that discrimination on the grounds of marital status, pregnancy or caring responsibilities by a non-profit organisation offering accommodation is not unlawful if that accommodation is provided only for people of a particular marital status, pregnant women or people with caring responsibilities. That simply is eminently sensible in my view.

A new exemption in the 21st item is for schools in relation to pregnancy discrimination for safety, and it provides an exemption so that if schools consider that, for safety reasons, they need to discriminate against someone who is pregnant, they may do so because they come under the exemption. I can imagine that there could be such situations both with teachers and students because, increasingly, sadly, we are seeing more students at school who are pregnant.

I say 'sadly' not because it is sad that they are pregnant or sad that they are continuing with their education but because the evidence is quite clear that the chances of any young mother completing her education are diminished because of the pregnancy, and child-bearing and child-rearing activities, and because the prospects for children born to very young, usually unmarried, mothers are statistically not terrific in terms of their futures. An exemption on those bases is, I think, only reasonable.

In the 22nd item, the wording of an exemption relating to identity of spouse is changed. That clearly refers to the 2006 bill. The original 2006 bill that we dealt with had this provision that said that it was unlawful to discriminate against someone on the basis of the identity of one's spouse, and I am sure that the member for Hartley would be aware that this could be problematic. If you have a spouse in a particular position, it can be difficult.

However, there were obviously necessary exemptions within the legislation because clearly if, for instance, my spouse applied for a job with a Labor minister, it would be only reasonable for a Labor minister to say, 'I don't think so.' It would be inappropriate for the spouse of a Liberal member to be able to say, 'Well, it is unreasonable to discriminate against me because you won't employ me simply because of who my spouse is.' It is perfectly reasonable for a Labor minister to say, 'I am entitled not to employ the member for Heysen's spouse' when it is a person on the other side of the chamber. So, there are clearly situations where discrimination against someone on the basis of their spouse's occupation is not only lawful but eminently good sense.

The 23rd item deals with the sexual harassment provisions, and they are delineated into four different sections. Firstly, it will become unlawful for any secondary school to fail to have a written policy against sexual harassment by students. Secondly, the defence provision from the 2001 bill—

Mr VENNING: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mrs REDMOND: I will start with the 23rd submission; that is, the proposed changes to the sexual harassment provisions which, firstly, require that a school have a written policy against sexual harassment by students and procedures for dealing with complaints. Secondly, it is noted defence provision in the 2001 bill was removed. This would have provided a defence to a complaint if the respondent proved that he or she did not know, and could not reasonably be expected to have known, that the complainant was a person whom it was not lawful for the respondent to subject to sexual harassment. I am not altogether surprised that this provision is removed, as I cannot imagine any circumstances where it is lawful for anyone to subject anyone else to sexual harassment.

Thirdly, sexual harassment provisions are applicable to students of secondary schools. It is noted that the bill has narrowed these to apply only to students over the age of 16. Fourthly, there are minor changes proposed to subsections (1) and (2) to make clear exactly when the sexual harassment provisions apply. The provisions include the concept of what the respondent ought reasonably to have known, and the provisions will apply if the respondent ought reasonably to have known that the other person was a fellow worker or a student, or seeking to become a fellow worker or a student. I seek leave to continue my remarks.

Leave granted; debate adjourned.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

At 21:58 the house adjourned until 4 June 2009 at 10:30.